
PRELIMINARY DRAFT

No. 3023(ss)

Amendment

for

Unknown Bill

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2009 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 5-1-17; IC 6-2.5; IC 6-6-9.7; IC 6-9;
IC 9-18-49-5; IC 36-3; IC 36-7-31; IC 36-9-13; IC 36-10.

Synopsis: Marion County capital facilities. Permits the city-county council to increase: (1) the county supplemental auto rental excise tax by 2% (4% to 6%); (2) the county admissions tax by 4% (6% to 10%); and (3) the county innkeeper's tax by 1% (9% to 10%). Requires Marion County to adopt the increases before September 1, 2009. Creates a new Marion County facilities management board (FMB). Provides that the FMB assumes the powers and duties of the Indianapolis-Marion County Building Authority. Abolishes the Marion County capital improvement board and transfers its powers, duties, assets, and liabilities to the FMB. Provides that the FMB board of directors has nine directors, with three directors appointed by the mayor, two directors appointed by the county commissioners, one director appointed by the city-county council, the president of the county convention and visitors association, and two directors appointed by the governor. Deposits the revenue from the county tax increases in a new sports and convention facilities operating fund for the FMB. Restricts the use of the new operating fund to paying usual and customary operating expenses with respect to capital improvements operated by the FMB. Allows for an addition to the Marion County professional sports development area to include the hotels in an area bounded by Washington, Illinois, and Maryland streets. Provides for



state sales taxes and state and local income taxes from the additional area to be captured for the FMB up to \$8,000,000 per year. Allows the captured taxes to be deposited in the new sports and convention facilities operating fund for the FMB if the budget director determines that the additional county excise taxes are in effect on January 1 of a year (September 1 for 2009). Requires the FMB to submit its operating and capital budget for review, approval, or rejection to the Marion County city-county council. Requires the FMB to present a long range financial plan to the city-county council before January 1, 2010. Requires the state board of accounts (SBOA) to do a financial and compliance audit annually of the FMB. Requires the FMB to submit the SBOA reports to the Marion County city-county council. Requires the Marion County city-county council to review the SBOA reports at a public hearing. Requires the FMB to post its proposed operating and capital budget, its adopted operating and capital budget, and the SBOA reports on the Internet. Requires the city-county council to approve the issuance of revenue and general obligation bonds by the FMB. Removes the Marion County board of commissioners from the review and approval of general obligation bonds and adds a requirement for the mayor's approval. Requires the legislative services agency to prepare legislation for introduction in the 2010 regular session of the general assembly to organize and correct statutes affected by the establishment of the FMB and the transfer of the powers, duties, assets, and liabilities of the Indianapolis-Marion County Building Authority and the Marion County Capital Improvement Board to the FMB by this act. Makes corresponding changes.

Effective: July 1, 2009.



A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-1-17-4, AS ADDED BY P.L.214-2005,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 4. As used in this chapter, "capital improvement
4 board" refers to a capital improvement board of managers created by
5 IC 36-10-8. ~~or IC 36-10-9.~~

6 SECTION 2. IC 5-1-17-4.1 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2009]: **Sec. 4.1. As used in this chapter, "facilities management**
9 **board" refers to a facilities management board established by**
10 **IC 36-10-9.3.**

11 SECTION 3. IC 5-1-17-6, AS ADDED BY P.L.214-2005,
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2009]: Sec. 6. An Indiana stadium and convention building
14 authority is created in Indiana as a separate body corporate and politic
15 as an instrumentality of the state to acquire, construct, equip, own,
16 lease, and finance facilities for lease to or for the benefit of a capital
17 improvement board **or a facilities management board.**

18 SECTION 4. IC 5-1-17-7, AS ADDED BY P.L.214-2005,
19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2009]: Sec. 7. (a) The board is composed of the following
21 seven (7) members, who must be residents of Indiana:

22 (1) Four (4) members appointed by the governor. The president
23 pro tempore of the senate and the speaker of the house of
24 representatives may each make one (1) recommendation to the
25 governor concerning the appointment of a member under this
26 subdivision.

27 (2) Two (2) members appointed by the executive of a county
28 having a consolidated city.

29 (3) One (1) member appointed by the governor, who has been
30 nominated by the county fiscal body of a county that is contiguous
31 to a county having a consolidated city, determined as follows:



(A) The member nominated for the initial term shall be nominated by the contiguous county that has the largest population of all the contiguous counties that have adopted an ordinance to impose a food and beverage tax under IC 6-9-35.

(B) The member nominated for each successive term shall be nominated by the contiguous county that:

(i) contributed the most revenues from the tax imposed by IC 6-9-35 to the ~~capital improvement board of managers created by IC 36-10-9-3~~ **facilities management board** in the immediately previous calendar year; and

(ii) has not previously made a nomination to the governor or, if all the contributing counties have previously made such a nomination, is the one whose then most recent nomination occurred before those of all the other contributing counties.

(b) A member appointed under subsection (a)(1) through (a)(2) is entitled to serve a three (3) year term. A member appointed under subsection (a)(3) is entitled to serve a one (1) year term. A member may be reappointed to subsequent terms.

(c) If a vacancy occurs on the board, the governor shall fill the vacancy by appointing a new member for the remainder of the vacated term. If the vacated member was appointed under subsection (a)(2) or (a)(3), the governor shall appoint a new member who has been nominated by the person or body who made the nomination of the vacated member.

(d) A member may be removed for cause by the appointing authority.

(e) Each member, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the board.

(f) The governor shall nominate an executive director for the authority, subject to the veto authority of the executive of a county having a consolidated city.

SECTION 5. IC 5-1-17-10, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. The authority is organized for the following purposes:

(1) Acquiring, financing, constructing, and leasing land and capital improvements to or for the benefit of a capital improvement board **or a facilities management board.**

(2) Financing and constructing additional improvements to capital improvements owned by the authority and leasing them to or for the benefit of a capital improvement board **or a facilities management board.**

(3) Acquiring land or all or a portion of one (1) or more capital improvements from a capital improvement board **or a facilities**



management board by purchase or lease and leasing the land or these capital improvements back to the capital improvement board **or the facilities management board**, with any additional improvements that may be made to them.

(4) Acquiring all or a portion of one (1) or more capital improvements from a capital improvement board **or a facilities management board** by purchase or lease to fund or refund indebtedness incurred on account of those capital improvements to enable the capital improvement board **or the facilities management board** to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the capital improvement board **or the facilities management board** considers to be unduly burdensome.

SECTION 6. IC 5-1-17-11, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The authority may also:

- (1) finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and capital improvements;
- (2) lease the land or those capital improvements to a capital improvement board **or a facilities management board**;
- (3) sue, be sued, plead, and be impleaded;
- (4) condemn, appropriate, lease, rent, purchase, and hold any real or personal property needed or considered useful in connection with capital improvements;
- (5) acquire real or personal property by gift, devise, or bequest and hold, use, or dispose of that property for the purposes authorized by this chapter;
- (6) after giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a capital improvement;
- (7) design, order, contract for, and construct, reconstruct, and renovate any capital improvements or improvements thereto;
- (8) employ managers, superintendents, architects, engineers, attorneys, auditors, clerks, construction managers, and other employees;
- (9) make and enter into all contracts and agreements, including agreements to arbitrate, that are necessary or incidental to the performance of its duties and the execution of its powers under this chapter;
- (10) acquire in the name of the authority by the exercise of the right of condemnation, in the manner provided in subsection (c), public or private lands, or rights in lands, rights-of-way, property, rights, easements, and interests, as it considers necessary for carrying out this chapter; and
- (11) take any other action necessary to implement its purposes as set forth in section 10 of this chapter.



(b) The authority is subject to the provisions of 25 IAC 5 concerning equal opportunities for minority business enterprises and women's business enterprises to participate in procurement and contracting processes. In addition, the authority shall set a goal for participation by minority business enterprises of fifteen percent (15%) and women's business enterprises of five percent (5%), consistent with the goals of delivering the project on time and within the budgeted amount and, insofar as possible, using Indiana businesses for employees, goods, and services. In fulfilling the goal, the authority shall take into account historical precedents in the same market.

(c) If the authority is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this chapter, the authority may proceed to procure the condemnation of the property under IC 32-24-1. The authority may not institute a proceeding until the authority has adopted a resolution that:

- (1) describes the real property sought to be acquired and the purpose for which the real property is to be used;
- (2) declares that the public interest and necessity require the acquisition by the authority of the property involved; and
- (3) sets out any other facts that the authority considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition and shall be referred to the attorney general for action, in the name of the authority, in the circuit or superior court of the county in which the real property is located.

SECTION 7. IC 5-1-17-12, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) Bonds issued under IC 36-10-8 or IC 36-10-9 or prior law may be refunded as provided in this section.

(b) A capital improvement board **or a facilities management board** may:

- (1) lease all or a portion of land or a capital improvement or improvements to the authority, which may be at a nominal lease rental with a lease back to the capital improvement board **or the facilities management board**, conditioned upon the authority assuming bonds issued under IC 36-10-8 or IC 36-10-9 or prior law and issuing its bonds to refund those bonds; and
- (2) sell all or a portion of land or a capital improvement or improvements to the authority for a price sufficient to provide for the refunding of those bonds and lease back the land or capital improvement or improvements from the authority.

SECTION 8. IC 5-1-17-13, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) Before a lease may be entered into by a capital improvement board **or a facilities management board** under this chapter, the capital improvement board **or the facilities**



1 **management board** must find that the lease rental provided for is fair
2 and reasonable.

3 (b) A lease or sublease of land or capital improvements from the
4 authority, or from a state agency under section 26 of this chapter, to a
5 capital improvement board **or a facilities management board**:

6 (1) may not have a term exceeding forty (40) years;

7 (2) may not require payment of lease rentals for a newly
8 constructed capital improvement or for improvements to an
9 existing capital improvement until the capital improvement or
10 improvements thereto have been completed and are ready for
11 occupancy;

12 (3) may contain provisions:

13 (A) allowing the capital improvement board **or the facilities**
14 **management board** to continue to operate an existing capital
15 improvement until completion of the improvements,
16 reconstruction, or renovation of that capital improvement or
17 any other capital improvement; and

18 (B) requiring payment of lease rentals for land, for an existing
19 capital improvement being used, reconstructed, or renovated,
20 or for any other existing capital improvement;

21 (4) may contain an option to renew the lease for the same or
22 shorter term on the conditions provided in the lease;

23 (5) must contain an option for the capital improvement board **or**
24 **the facilities management board** to purchase the capital
25 improvement upon the terms stated in the lease:

26 (A) during the term of the lease for a price equal to the amount
27 required to pay all indebtedness incurred on account of the
28 capital improvement, including indebtedness incurred for the
29 refunding of that indebtedness; or

30 (B) for one dollar (\$1) after the term of the lease, if all
31 indebtedness incurred on account of the capital improvement,
32 including indebtedness incurred for the refunding of that
33 indebtedness, is no longer outstanding;

34 (6) may be entered into before acquisition or construction of a
35 capital improvement;

36 (7) may provide that the capital improvement board **or the**
37 **facilities management board** shall agree to:

38 (A) pay all taxes and assessments thereon;

39 (B) maintain insurance thereon for the benefit of the authority;

40 (C) assume responsibility for utilities, repairs, alterations, and
41 any costs of operation; and

42 (D) pay a deposit or series of deposits to the authority from
43 any funds legally available to the capital improvement board
44 **or the facilities management board** before the
45 commencement of the lease to secure the performance of the
46 capital improvement board's **or the facilities management**



- 1 **board's** obligations under the lease;
- 2 (8) subject to IC 36-10-8-13 and IC 36-10-9-11, may provide that
- 3 the lease rental payments by the capital improvement board **or**
- 4 **the facilities management board** shall be made from:
- 5 (A) proceeds of one (1) or more of the excise taxes as defined
- 6 in IC 36-10-8 or IC 36-10-9;
- 7 (B) proceeds of the county supplemental auto rental excise tax
- 8 imposed under IC 6-6-9.7;
- 9 (C) that part of the proceeds of the county food and beverage
- 10 tax imposed under IC 6-9-35, which the capital improvement
- 11 board **or the facilities management board** or its designee
- 12 receives pursuant thereto;
- 13 (D) revenue captured under IC 36-7-31;
- 14 (E) net revenues of the capital improvement;
- 15 (F) any other funds available to the capital improvement board
- 16 **or the facilities management board; or**
- 17 (G) any combination of the sources described in clauses (A)
- 18 through (F);
- 19 (9) subject to subdivision (10), must provide that the capital
- 20 improvement board **or the facilities management board** is solely
- 21 responsible for the operation and maintenance of the capital
- 22 improvement upon completion of construction, including the
- 23 negotiation and maintenance of agreements with tenants or users
- 24 of the capital improvement;
- 25 (10) must provide that, during the term of the lease, the authority
- 26 retains the right to approve any lease agreements and amendments
- 27 to any lease agreements between the capital improvement board
- 28 **or the facilities management board** and any National Football
- 29 League franchised professional football team that will use the
- 30 capital improvement;
- 31 (11) must provide that:
- 32 (A) subject to the terms of the lease, the capital improvement
- 33 board **or the facilities management board** will retain all
- 34 revenues from operation of the capital improvement; and
- 35 (B) the authority has no responsibility to fund the ongoing
- 36 maintenance and operations of the capital improvement; and
- 37 (12) with respect to a capital improvement that is subject to the
- 38 county admissions tax imposed by IC 6-9-13, must provide that
- 39 upon request of the authority the capital improvement board **or**
- 40 **the facilities management board** will impose a fee:
- 41 (A) not to exceed three dollars (\$3), as determined by the
- 42 authority, for each admission to a professional sporting event
- 43 described in IC 6-9-13-1; and
- 44 (B) not to exceed one dollar (\$1), as determined by the
- 45 authority, for each admission to any other event described in
- 46 IC 6-9-13-1;



and, so long as there are any current or future obligations owed by the capital improvement board **or the facilities management board** to the authority or any state agency pursuant to a lease or other agreement entered into between the capital improvement board **or the facilities management board** and the authority or any state agency under section 26 of this chapter, the capital improvement board or its designee **or the facilities management board** shall deposit the revenues received from the fee imposed under this subdivision in a special fund, which may be used only for the payment of the obligations described in this subdivision.

(c) A capital improvement board **or a facilities management board** may designate the authority as its agent to receive on behalf of the capital improvement board **or the facilities management board** any of the revenues identified in subsection (b)(8).

(d) All information prepared by the capital improvement board **or a facilities management board** or a political subdivision served by the capital improvement board **or the facilities management board** with respect to a capital improvement proposed to be financed under this chapter, including a construction budget and timeline, must be provided to the budget director. Any information described in this subsection that was prepared before May 15, 2005, must be provided to the budget director not later than May 15, 2005.

SECTION 9. IC 5-1-17-14, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. This chapter contains full and complete authority for leases between the authority and a capital improvement board **or a facilities management board**. No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the board or the capital improvement board **or the facilities management board** or any other officer, department, agency, or instrumentality of the state or any political subdivision is required to enter into any lease, except as prescribed in this chapter.

SECTION 10. IC 5-1-17-16, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. The authority and a capital improvement board **or a facilities management board** may enter into common wall (party wall) agreements or other agreements concerning easements or licenses. These agreements shall be recorded with the recorder of the county in which the capital improvement is located.

SECTION 11. IC 5-1-17-17, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) A capital improvement board **or a facilities management board** may lease for a nominal lease rental, or sell to the authority, one (1) or more capital improvements or portions thereof or land upon which a capital improvement is located or is to be constructed.



(b) Any lease of all or a portion of a capital improvement by a capital improvement board **or a facilities management board** to the authority must be for a term equal to the term of the lease of that capital improvement back to the capital improvement board **or the facilities management board**.

(c) A capital improvement board **or a facilities management board** may sell property to the authority.

SECTION 12. IC 5-1-17-18, AS AMENDED BY P.L.1-2006, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) Subject to subsection (h), the authority may issue bonds for the purpose of obtaining money to pay the cost of:

- (1) acquiring real or personal property, including existing capital improvements;
- (2) constructing, improving, reconstructing, or renovating one (1) or more capital improvements; or
- (3) funding or refunding bonds issued under IC 36-10-8 or IC 36-10-9 or prior law.

(b) The bonds are payable from the lease rentals from the lease of the capital improvements for which the bonds were issued, insurance proceeds, and any other funds pledged or available.

(c) The bonds shall be authorized by a resolution of the board.

(d) The terms and form of the bonds shall either be set out in the resolution or in a form of trust indenture approved by the resolution.

(e) The bonds shall mature within forty (40) years.

(f) The board shall sell the bonds at public or private sale upon the terms determined by the board.

(g) All money received from any bonds issued under this chapter shall be applied to the payment of the cost of the acquisition or construction, or both, of capital improvements, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued. The cost may include:

- (1) planning and development of the facility and all buildings, facilities, structures, and improvements related to it;
- (2) acquisition of a site and clearing and preparing the site for construction;
- (3) equipment, facilities, structures, and improvements that are necessary or desirable to make the capital improvement suitable for use and operations;
- (4) architectural, engineering, consultant, and attorney's fees;
- (5) incidental expenses in connection with the issuance and sale of bonds;
- (6) reserves for principal and interest;
- (7) interest during construction;
- (8) financial advisory fees;
- (9) insurance during construction;
- (10) municipal bond insurance, debt service reserve insurance,



1 letters of credit, or other credit enhancement; and

2 (11) in the case of refunding or refinancing, payment of the
3 principal of, redemption premiums (if any) for, and interest on,
4 the bonds being refunded or refinanced.

5 (h) The authority may not issue bonds under this chapter unless the
6 authority first finds that the following conditions are met:

7 (1) Each contract or subcontract for the construction of a facility
8 and all buildings, facilities, structures, and improvements related
9 to that facility to be financed in whole or in part through the
10 issuance of the bonds:

11 (A) requires payment of the common construction wage
12 required by IC 5-16-7; and

13 (B) requires the contractor or subcontractor to enter into a
14 project labor agreement as a condition of being awarded and
15 performing work on the contract.

16 (2) The capital improvement board **or the facilities management**
17 **board** and the authority have entered into a written agreement
18 concerning the terms of the financing of the facility. This
19 agreement must include the following provisions:

20 (A) Notwithstanding any other law, if the capital improvement
21 board **or the facilities management board** selected a
22 construction manager and an architect for a facility before May
23 15, 2005, the authority will contract with that construction
24 manager and architect and use plans as developed by that
25 construction manager and architect. In addition, any other
26 agreements entered into by the capital improvement board **or**
27 **the facilities management board** or a political subdivision
28 served by the capital improvement board **or the facilities**
29 **management board** with respect to the design and
30 construction of the facility will be reviewed by a selection
31 committee consisting of:

32 (i) two (2) of the members appointed to the board of
33 directors of the authority under section 7(a)(1) of this
34 chapter, as designated by the governor;

35 (ii) the two (2) members appointed to the board of directors
36 of the authority under section 7(a)(2) of this chapter; and

37 (iii) the executive director of the authority.

38 The selection committee is not bound by any prior
39 commitments of the capital improvement board, **the facilities**
40 **management board**, or the political subdivision, other than
41 the general project design, and will approve all contracts
42 necessary for the design and construction of the facility.

43 (B) If before May 15, 2005, the capital improvement board **or**
44 **the facilities management board** acquired any land, plans, or
45 other information necessary for the facility and the board had
46 budgeted for these items, the capital improvement board **or**



1 **the facilities management board** will transfer the land, plans,
 2 or other information useful to the authority for a price not to
 3 exceed the lesser of:

4 (i) the actual cost to the capital improvement board **or the**
 5 **facilities management board**; or

6 (ii) three million five hundred thousand dollars
 7 (\$3,500,000).

8 (C) The capital improvement board **or the facilities**
 9 **management board** agrees to take any legal action that the
 10 authority considers necessary to facilitate the financing of the
 11 facility, including entering into agreements during the design
 12 and construction of the facility or a sublease of a capital
 13 improvement to any state agency that is then leased by the
 14 authority to any state agency under section 26 of this chapter.

15 (D) The capital improvement board **or the facilities**
 16 **management board** is prohibited from taking any other action
 17 with respect to the financing of the facility without the prior
 18 approval of the authority. The authority is not bound by the
 19 terms of any agreement entered into by the capital
 20 improvement board **or the facilities management board** with
 21 respect to the financing of the facility without the prior
 22 approval of the authority.

23 (E) As the project financier, the Indiana finance authority (or
 24 its successor agency) and the public finance director will be
 25 responsible for selecting all investment bankers, bond counsel,
 26 trustees, and financial advisors.

27 (F) The capital improvement board **or the facilities**
 28 **management board** agrees to deliver to the authority the one
 29 hundred million dollars (\$100,000,000) that is owed to the
 30 capital improvement board, **the facilities management board**,
 31 the consolidated city, or the county having a consolidated city
 32 pursuant to an agreement between the National Football
 33 League franchised professional football team and the capital
 34 improvement board, **the facilities management board**, the
 35 consolidated city, or the county. This amount shall be applied
 36 to the cost of construction for the stadium part of the facility.
 37 This amount does not have to be delivered until a lease is
 38 entered into for the stadium between the authority and the
 39 capital improvement board **or the facilities management**
 40 **board**.

41 (G) The authority agrees to consult with the staff of the capital
 42 improvement board **or the facilities management board** on
 43 an as needed basis during the design and construction of the
 44 facility, and the capital improvement board **or the facilities**
 45 **management board** agrees to make its staff available for this
 46 purpose.



(H) The authority, the county, the consolidated city, the capital improvement board **or the facilities management board** and the National Football League franchised professional football team must commit to using their best efforts to assist and cooperate with one another to design and construct the facility on time and on budget.

(3) The capital improvement board **or the facilities management board** and the National Football League franchised professional football team have entered into a lease for the stadium part of the facility that has been approved by the authority and has a term of at least thirty (30) years.

SECTION 13. IC 5-1-17-22, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. If a capital improvement board **or a facilities management board** exercises its option to purchase leased property, it may issue its bonds as authorized by statute.

SECTION 14. IC 5-1-17-26, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) Notwithstanding any other law, any capital improvement that may be leased by the authority to a capital improvement board **or a facilities management board** under this chapter may also be leased by the authority to any state agency to accomplish the purposes of this chapter. Any lease between the authority and a state agency under this chapter:

- (1) must set forth the terms and conditions of the use and occupancy under the lease;
- (2) must set forth the amounts agreed to be paid at stated intervals for the use and occupancy under the lease;
- (3) must provide that the state agency is not obligated to continue to pay for the use and occupancy under the lease but is instead required to vacate the facility if it is shown that the terms and conditions of the use and occupancy and the amount to be paid for the use and occupancy are unjust and unreasonable considering the value of the services and facilities thereby afforded;
- (4) must provide that the state agency is required to vacate the facility if funds have not been appropriated or are not available to pay any sum agreed to be paid for use and occupancy when due;
- (5) may provide for such costs as maintenance, operations, taxes, and insurance to be paid by the state agency;
- (6) may contain an option to renew the lease;
- (7) may contain an option to purchase the facility for an amount equal to the amount required to pay the principal and interest of indebtedness of the authority incurred on account of the facility and expenses of the authority attributable to the facility;
- (8) may provide for payment of sums for use and occupancy of an existing capital improvement being used by the state agency, but



1 may not provide for payment of sums for use and occupancy of a
 2 new capital improvement until the construction of the capital
 3 improvement or portion thereof has been completed and the new
 4 capital improvement or a portion thereof is available for use and
 5 occupancy by the state agency; and

6 (9) may contain any other provisions agreeable to the authority
 7 and the state agency.

8 (b) Any state agency that leases a capital improvement from the
 9 authority under this chapter may sublease the capital improvement to
 10 a capital improvement board **or a facilities management board** under
 11 the terms and conditions set forth in section 13(a) of this chapter,
 12 section 13(b)(1) through 13(b)(4) of this chapter, section 13(b)(6)
 13 through 13(b)(8) of this chapter, and section 13(c) of this chapter.

14 (c) Notwithstanding any other law, in anticipation of the
 15 construction of any capital improvement and the lease of that capital
 16 improvement by the authority to a state agency, the authority may
 17 acquire an existing facility owned by the state agency and then lease
 18 the facility to the state agency. A lease made under this subsection shall
 19 describe the capital improvement to be constructed and may provide
 20 for the payment of rent by the state agency for the use of the existing
 21 facility. If such rent is to be paid pursuant to the lease, the lease shall
 22 provide that upon completion of the construction of the capital
 23 improvement, the capital improvement shall be substituted for the
 24 existing facility under the lease. The rent required to be paid by the
 25 state agency pursuant to the lease shall not constitute a debt of the state
 26 for purposes of the Constitution of the State of Indiana. A lease entered
 27 into under this subsection is subject to the same requirements for a
 28 lease entered into under subsection (a) with respect to both the existing
 29 facility and the capital improvement anticipated to be constructed.

30 (d) This chapter contains full and complete authority for leases
 31 between the authority and a state agency and subleases between a state
 32 agency and a capital improvement board **or a facilities management**
 33 **board**. No laws, procedures, proceedings, publications, notices,
 34 consents, approvals, orders, or acts by the board, the governing body
 35 of any state agency or the capital improvement board or any other
 36 officer, department, agency, or instrumentality of the state or any
 37 political subdivision is required to enter into any such lease or
 38 sublease, except as prescribed in this chapter.

39 SECTION 15. IC 5-1-17-28, AS ADDED BY P.L.214-2005,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2009]: Sec. 28. If the authority enters into a lease with a
 42 capital improvement board **or a facilities management board** under
 43 section 13 of this chapter or a state agency under section 26 of this
 44 chapter, which then enters into a sublease with a capital improvement
 45 board **or a facilities management board** under section 26(b) of this
 46 chapter, and the rental payments owed by the capital improvement



board **or the facilities management board** to the authority under the lease or to the state agency under the sublease are payable from the taxes described in section 25 of this chapter or from the taxes authorized under IC 6-9-35, the budget director may choose the designee of the capital improvement board **or the facilities management board**, which shall receive and deposit the revenues derived from such taxes. The designee shall hold the revenues on behalf of the capital improvement board pursuant to an agreement between the authority and the capital improvement board **or the facilities management board** or between a state agency and the capital improvement board **or the facilities management board**. The agreement shall provide for the application of the revenues in a manner that does not adversely affect the validity of the lease or the sublease, as applicable.

SECTION 16. IC 6-2.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A person is a retail merchant making a retail transaction when the person rents or furnishes rooms, lodgings, or other accommodations, such as booths, display spaces, banquet facilities, and cubicles or spaces used for adult relaxation, massage, modeling, dancing, or other entertainment to another person:

(1) if those rooms, lodgings, or accommodations are rented or furnished for periods of less than thirty (30) days; and

(2) if the rooms, lodgings, and accommodations are located in a hotel, motel, inn, tourist camp, tourist cabin, gymnasium, hall, coliseum, or other place, where rooms, lodgings, or accommodations are regularly furnished for consideration.

(b) Each rental or furnishing by a retail merchant under subsection (a) is a separate unitary transaction regardless of whether consideration is paid to an independent contractor or directly to the retail merchant.

(c) For purposes of this section, "consideration" includes a membership fee charged to a customer.

(d) Notwithstanding subsection (a), a person is not a retail merchant making a retail transaction if:

(1) the person is a promoter that rents a booth or display space to an exhibitor; and

(2) the booth or display space is located in a facility that:

(A) is described in subsection (a)(2); and

(B) is operated by a political subdivision (including a capital improvement board established under IC 36-10-8 ~~or IC 36-10-9~~) **or a facilities management board established by IC 36-10-9.3** or the state fair commission.

This subsection does not exempt from the state gross retail tax the renting of accommodations by a political subdivision or the state fair commission to a promoter or an exhibitor.

SECTION 17. IC 6-2.5-5-8, AS AMENDED BY P.L.224-2007,



1 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2009]: Sec. 8. (a) As used in this section, "new motor vehicle"
3 has the meaning set forth in IC 9-13-2-111.

4 (b) Transactions involving tangible personal property other than a
5 new motor vehicle are exempt from the state gross retail tax if the
6 person acquiring the property acquires it for resale, rental, or leasing in
7 the ordinary course of the person's business without changing the form
8 of the property.

9 (c) The following transactions involving a new motor vehicle are
10 exempt from the state gross retail tax:

11 (1) A transaction in which a person that has a franchise in effect
12 at the time of the transaction for the vehicle trade name, trade or
13 service mark, or related characteristics acquires a new motor
14 vehicle for resale, rental, or leasing in the ordinary course of the
15 person's business.

16 (2) A transaction in which a person that is a franchisee appointed
17 by a manufacturer or converter manufacturer licensed under
18 IC 9-23 acquires a new motor vehicle that has at least one (1)
19 trade name, service mark, or related characteristic as a result of
20 modification or further manufacture by the manufacturer or
21 converter manufacturer for resale, rental, or leasing in the
22 ordinary course of the person's business.

23 (3) A transaction in which a person acquires a new motor vehicle
24 for rental or leasing in the ordinary course of the person's
25 business.

26 (d) The rental or leasing of accommodations to a promoter by a
27 political subdivision (including a capital improvement board **or a**
28 **facilities management board**) or the state fair commission is not
29 exempt from the state gross retail tax, if the rental or leasing of the
30 property by the promoter is exempt under IC 6-2.5-4-4.

31 (e) This subsection applies only after June 30, 2008. A transaction
32 in which a person acquires an aircraft for rental or leasing in the
33 ordinary course of the person's business is not exempt from the state
34 gross retail tax unless the person establishes, under guidelines adopted
35 by the department in the manner provided in IC 4-22-2-37.1 for the
36 adoption of emergency rules, that the annual amount of the lease
37 revenue derived from leasing the aircraft is equal to or greater than:

38 (1) ten percent (10%) of the greater of the original cost or the
39 book value of the aircraft, if the original cost of the aircraft was
40 less than one million dollars (\$1,000,000); or

41 (2) seven and five-tenths percent (7.5%) of the greater of the
42 original cost or the book value of the aircraft, if the original cost
43 of the aircraft was at least one million dollars (\$1,000,000).

44 SECTION 18. IC 6-6-9.7-7, AS AMENDED BY P.L.214-2005,
45 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
46 JULY 1, 2009]: Sec. 7. (a) The city-county council of a county that



contains a consolidated city may adopt an ordinance to impose an excise tax, known as the county supplemental auto rental excise tax, upon the rental of passenger motor vehicles and trucks in the county for periods of less than thirty (30) days. The ordinance must specify that the tax expires December 31, 2027.

(b) Except as provided in subsection (c), the county supplemental auto rental excise tax that may be imposed upon the rental of a passenger motor vehicle or truck equals two percent (2%) of the gross retail income received by the retail merchant for the rental.

(c) On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax imposed under subsection (a) from two percent (2%) to four percent (4%). The ordinance must specify that:

(1) if on December 31, 2027, there are obligations owed by the ~~capital improvement board of managers~~ **facilities management board** to the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the original two percent (2%) rate imposed under subsection (a) continues to be levied after its original expiration date set forth in subsection (a) and through December 31, 2040; and

(2) the additional rate authorized under this subsection expires on:

(A) January 1, 2041;

(B) January 1, 2010, if on that date there are no obligations owed by the ~~capital improvement board of managers~~ **facilities management board** to the Indiana stadium and convention building authority or to any state agency under IC 5-1-17-26; or

(C) October 1, 2005, if on that date there are no obligations owed by the ~~capital improvement board of managers~~ **facilities management board** to the Indiana stadium and convention building authority or to any state agency under a lease or a sublease of an existing capital improvement entered into under IC 5-1-17, unless waived by the budget director.

(d) The amount collected from that portion of county supplemental auto rental excise tax imposed under:

(1) subsection (b) and collected after December 31, 2027; and

(2) under subsection (c);

shall, in the manner provided by section 11 of this chapter, be distributed to the ~~capital improvement board of managers~~ **facilities management board** operating in a consolidated city or its designee. So long as there are any current or future obligations owed by the ~~capital improvement board of managers~~ **facilities management board** to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the ~~capital improvement board of managers~~



1 **facilities management board** and the Indiana stadium and convention
 2 building authority or any state agency under IC 5-1-17-26, the ~~capital~~
 3 ~~improvement board of managers~~ **facilities management board** or its
 4 designee shall deposit the revenues received under this subsection in
 5 a special fund, which may be used only for the payment of the
 6 obligations described in this subsection.

7 **(e) Before September 1, 2009, the city-county council may, by**
 8 **ordinance adopted by a majority of the members elected to the**
 9 **city-county council, increase the tax rate imposed under subsection**
 10 **(a) by two percent (2%). The amount collected from an increase**
 11 **adopted under this subsection shall be deposited in the sports and**
 12 **convention facilities operating fund established by IC 36-7-31-16.**

13 ~~(e)~~ **(f)** If a city-county council adopts an ordinance under subsection
 14 (a), ~~or (c), or (e)~~, the city-county council shall immediately send a
 15 certified copy of the ordinance to the commissioner of the department
 16 of state revenue.

17 ~~(f)~~ **(g)** If a city-county council adopts an ordinance under subsection
 18 (a), ~~or (c), prior to June 1, or (e) on or before the fifteenth day of a~~
 19 **month**, the county supplemental auto rental excise tax applies to auto
 20 rentals after ~~June 30 of the year~~ **the last day of the month** in which the
 21 ordinance is adopted. If the city-county council adopts an ordinance
 22 under subsection (a), ~~or (c), on or (e) after June 1, the fifteenth day of~~
 23 **a month**, the county supplemental auto rental excise tax applies to auto
 24 rentals after the last day of the month **following the month** in which
 25 the ordinance is adopted.

26 SECTION 19. IC 6-6-9.7-11 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) All revenues
 28 collected from the county supplemental auto rental excise tax shall be
 29 deposited in a special account of the state general fund called the
 30 county supplemental auto rental excise tax account.

31 (b) On or before the twentieth day of each month, all amounts held
 32 in the county supplemental auto rental excise tax account shall be
 33 distributed to the ~~capital improvement board of managers~~ **facilities**
 34 **management board** operating in a consolidated city.

35 (c) The amount to be distributed to the ~~capital improvement board~~
 36 ~~of managers~~ **facilities management board** operating in a consolidated
 37 city equals the total county supplemental auto rental excise taxes that
 38 were initially imposed and collected from within the county in which
 39 the consolidated city is located. The department shall notify the county
 40 auditor of the amount of taxes to be distributed to the board.

41 (d) All distributions from the county supplemental auto rental excise
 42 tax account shall be made by warrants issued by the auditor of state to
 43 the treasurer of state ordering those payments to the ~~capital~~
 44 ~~improvement board of managers~~ **facilities management board**
 45 operating in a consolidated city.

46 SECTION 20. IC 6-9-8-2 IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Each year a tax shall be levied on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any lodgings in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which lodgings are regularly furnished for a consideration.

(b) This tax shall be in addition to the state gross retail tax and use tax imposed on such persons by IC 6-2.5. The county fiscal body may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(c) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration shall be applicable to the imposition and administration of the tax imposed by this section except to the extent such provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. Specifically, and not in limitation of the foregoing sentence, the terms "person" and "gross income" shall have the same meaning in this section as they have in IC 6-2.5.

(d) If the tax is paid to the department of state revenue, the returns to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may determine by rule.

(e) If the tax is paid to the department of state revenue, the amounts received from this tax shall be paid monthly by the treasurer of state to the treasurer of the **capital improvement board of managers facilities management board** of the county upon warrants issued by the auditor of state.

SECTION 21. IC 6-9-8-3, AS AMENDED BY P.L.214-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The tax imposed by section 2 of this chapter shall be at the rate of:

(1) before January 1, 2028, five percent (5%) on the gross income derived from lodging income only, plus an additional one percent (1%) if the fiscal body adopts an ordinance under subsection (b), plus an additional three percent (3%) if the fiscal body adopts an ordinance under subsection (d);

(2) after December 31, 2027, and before January 1, 2041, five percent (5%), plus an additional one percent (1%) if the fiscal body adopts an ordinance under subsection (b), plus an additional



three percent (3%) if the fiscal body adopts an ordinance under subsection (d); and

(3) after December 31, 2040, five percent (5%).

(b) In any year subsequent to the initial year in which a tax is imposed under section 2 of this chapter, the fiscal body may, by ordinance adopted by at least two-thirds (2/3) of the members elected to the fiscal body, increase the tax imposed by section 2 of this chapter from five percent (5%) to six percent (6%). The ordinance must specify that the increase in the tax authorized under this subsection expires January 1, 2028.

(c) The amount collected from an increase adopted under subsection (b) shall be transferred to the ~~capital improvement board of managers established by IC 36-10-9-3~~. **The board facilities management board established by IC 36-10-9.3.** The facilities management board shall deposit the revenues received under this subsection in a special fund. Money in the special fund may be used only for the payment of obligations incurred to expand a convention center, including:

(1) principal and interest on bonds issued to finance or refinance the expansion of a convention center; and

(2) lease agreements entered into to expand a convention center.

(d) On or before June 30, 2005, the fiscal body may, by ordinance adopted by a majority of the members elected to the fiscal body, increase the tax imposed by section 2 of this chapter by an additional three percent (3%) to a total rate of eight percent (8%) (or nine percent (9%) if the fiscal body has adopted an ordinance under subsection (b) and that rate remains in effect). The ordinance must specify that the increase in the tax authorized under this subsection expires on:

(1) January 1, 2041;

(2) January 1, 2010, if on that date there are no obligations owed by the ~~capital improvement board of managers facilities management board~~ to the authority created by IC 5-1-17 or to any state agency under IC 5-1-17-26; or

(3) October 1, 2005, if on that date there are no obligations owed by the ~~capital improvement board of managers facilities management board~~ to the Indiana stadium and convention building authority or to any state agency under a lease or a sublease of an existing capital improvement entered into under IC 5-1-17, unless waived by the budget director.

If the fiscal body adopts an ordinance under this subsection, it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue, and the increase in the tax imposed under this chapter applies to transactions that occur after June 30, 2005.

(e) Before September 1, 2009, the fiscal body may, by ordinance adopted by a majority of the members elected to the fiscal body, increase the tax rate under this chapter by one percent (1%). If the



fiscal body adopts an ordinance under this subsection:

- (1) it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue; and
- (2) the tax applies to transactions after the last day of the month in which the ordinance is adopted, if the city-county council adopts the ordinance on or before the fifteenth day of a month. If the city-county council adopts the ordinance after the fifteenth day of a month, the tax applies to transactions after the last day of the month following the month in which the ordinance is adopted.

The increase in the tax imposed under this subsection continues in effect unless the increase is rescinded.

(f) The amount collected from an increase adopted under:

- (1) subsection (b) and collected after December 31, 2027; and
- (2) subsection (d);

shall be transferred to the ~~capital improvement board of managers established by IC 36-10-9-3~~ **facilities management board established by IC 36-10-9.3** or its designee. So long as there are any current or future obligations owed by the ~~capital improvement board of managers~~ **facilities management board** to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the ~~capital improvement board of managers~~ **facilities management board** and the Indiana stadium and convention building authority or any state agency pursuant to IC 5-1-17-26, the ~~capital improvement board of managers~~ **facilities management board** or its designee shall deposit the revenues received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

(g) The amount collected from an increase adopted under subsection (e) shall be deposited in the sports and convention facilities operating fund established by IC 36-7-31-16.

SECTION 22. IC 6-9-12-5, AS AMENDED BY P.L.214-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Subject to subsection (b), the county food and beverage tax imposed on a food or beverage transaction described in section 3 of this chapter equals one percent (1%) of the gross retail income received by the retail merchant from the transaction. The tax authorized under this subsection expires January 1, 2041.

(b) On or before June 30, 2005, the city-county council of a county may, by a majority vote of the members elected to the city-county council, adopt an ordinance that increases the tax imposed under this chapter by an additional rate of one percent (1%) to a total rate of two percent (2%). The ordinance must specify that the increase in the tax authorized under this subsection expires on:

- (1) January 1, 2041;
- (2) January 1, 2010, if on that date there are no obligations owed



1 by the ~~capital improvement board of managers facilities~~
 2 **management board** to the authority created by IC 5-1-17 or to
 3 any state agency under IC 5-1-17-26; or

4 (3) October 1, 2005, if on that date there are no obligations owed
 5 by the ~~capital improvement board of managers facilities~~
 6 **management board** to the Indiana stadium and convention
 7 building authority or to any state agency under a lease or a
 8 sublease of an existing capital improvement entered into under
 9 IC 5-1-17, unless waived by the budget director.

10 If a city-county council adopts an ordinance under this subsection, it
 11 shall immediately send a certified copy of the ordinance to the
 12 commissioner of the department of state revenue, and the increase in
 13 the tax imposed under this chapter applies to transactions that occur
 14 after June 30, 2005.

15 (c) For purposes of this chapter, the gross retail income received by
 16 the retail merchant from a transaction that is subject to the tax imposed
 17 by this chapter does not include the amount of tax imposed on the
 18 transaction under IC 6-2.5.

19 SECTION 23. IC 6-9-12-8, AS AMENDED BY P.L.214-2005,
 20 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2009]: Sec. 8. The amounts received from the county food and
 22 beverage tax shall be paid monthly by the treasurer of the state to the
 23 treasurer of the ~~capital improvement board of managers facilities~~
 24 **management board** of the county or its designee upon warrants issued
 25 by the auditor of state. So long as there are any current or future
 26 obligations owed by the ~~capital improvement board of managers~~
 27 **facilities management board** to the Indiana stadium and convention
 28 building authority created by IC 5-1-17 or any state agency pursuant to
 29 a lease or other agreement entered into between the ~~capital~~
 30 ~~improvement board of managers facilities management board~~ and the
 31 Indiana stadium and convention building authority or any state agency
 32 under IC 5-1-17-26, the capital improvement board of managers or its
 33 designee shall deposit the revenues received from that portion of the
 34 county food and beverage tax imposed under:

35 (1) section 5(a) of this chapter for revenue received after
 36 December 31, 2027; and

37 (2) section 5(b) of this chapter;

38 in a special fund, which may be used only for the payment of the
 39 obligations described in this section.

40 SECTION 24. IC 6-9-13-2, AS AMENDED BY P.L.214-2005,
 41 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2009]: Sec. 2. (a) Except as provided in subsection (b), the
 43 county admissions tax equals five percent (5%) of the price for
 44 admission to any event described in section 1 of this chapter.

45 (b) On or before June 30, 2005, the city-county council may, by
 46 ordinance adopted by a majority of the members elected to the



city-county council, increase the county admissions tax from five percent (5%) to six percent (6%) of the price for admission to any event described in section 1 of this chapter.

(c) Before September 1, 2009, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the county admissions tax rate by four percent (4%) of the price for admission to any event described in section 1 of this chapter. If the city-county council adopts an ordinance under this subsection:

(1) the city-county council shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue; and

(2) the tax applies to transactions after the last day of the month in which the ordinance is adopted, if the city-county council adopts the ordinance on or before the fifteenth day of a month. If the city-county council adopts the ordinance after the fifteenth day of a month, the tax applies to transactions after the last day of the month following the month in which the ordinance is adopted.

The increase in the tax imposed under this subsection continues in effect unless the increase is rescinded.

(c) (d) The amount collected from that portion of the county admissions tax imposed under:

(1) subsection (a) and collected after December 31, 2027; and

(2) subsection (b);

shall be distributed to the ~~capital improvement board of managers~~ **facilities management board** or its designee. So long as there are any current or future obligations owed by the ~~capital improvement board of managers~~ **facilities management board** to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the ~~capital improvement board of managers~~ **facilities management board** and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the ~~capital improvement board of managers~~ **facilities management board** or its designee shall deposit the revenues received from that portion of the county admissions tax imposed under subsection (b) in a special fund, which may be used only for the payment of the obligations described in this subsection.

(e) The amount collected from an increase adopted under subsection (c) shall be deposited in the sports and convention facilities operating fund established by IC 36-7-31-16.

SECTION 25. IC 6-9-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The amounts received from the county admissions tax shall be paid monthly by the treasurer of the state to the treasurer of the ~~capital improvement board of managers~~ **facilities management board** of the county upon warrants



1 issued by the auditor of state.

2 SECTION 26. IC 6-9-31-2 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) After January 1,
 4 but before June 1, the city-county council may adopt an ordinance to
 5 impose a supplemental tax, known as the ~~capital improvement board~~
 6 **facilities management board** revenue replacement supplemental tax,
 7 only for the purpose of replacing revenue lost as a result of the
 8 withdrawal by the consolidated city or the ~~capital improvement board~~
 9 **facilities management board** from a contract providing another entity
 10 with the right to name a facility owned by the ~~capital improvement~~
 11 **board facilities management board** under IC 36-10-9, the county
 12 convention and recreational facilities authority under IC 36-10-9.1, or
 13 the consolidated city, in response to the entity displacing at least:

14 (1) four hundred (400) jobs in the consolidated city; or

15 (2) one thousand (1,000) jobs within the state;

16 to another country, if the city-county council determines the revenue
 17 must be replaced.

18 (b) The city-county council may adopt an ordinance to impose a
 19 supplemental tax on any one (1) or all of the following:

20 (1) the innkeeper's tax under IC 6-9-8;

21 (2) the admissions tax under IC 6-9-13; and

22 (3) the supplemental auto rental excise tax under IC 6-6-9.7.

23 (c) The revenue replacement supplemental tax is in addition to the
 24 state gross retail tax and use tax imposed by IC 6-2.5. The county fiscal
 25 body may adopt an ordinance to require that the tax be reported on
 26 forms approved by the county treasurer and that the tax shall be paid
 27 monthly to the county treasurer. If such an ordinance is adopted, the tax
 28 shall be paid to the county treasurer not more than twenty (20) days
 29 after the end of the month the tax is collected. If such an ordinance is
 30 not adopted, the tax shall be imposed, paid, and collected in exactly the
 31 same manner as the state gross retail tax is imposed, paid, and collected
 32 under IC 6-2.5.

33 (d) All of the provisions of IC 6-2.5 relating to rights, duties,
 34 liabilities, procedures, penalties, definitions, and administration shall
 35 be applicable to the imposition and administration of the tax imposed
 36 by this section except to the extent these provisions are in conflict or
 37 inconsistent with the specific provisions of this chapter or the
 38 requirements of the county treasurer. Specifically, and not in limitation
 39 of the preceding sentence, "person" and "gross income" have the same
 40 meaning in this section as the terms have in IC 6-2.5.

41 (e) If the tax is paid to the department of state revenue, the returns
 42 to be filed for the payment of the tax under this section may be either
 43 by separate return or combined with the return filed for the payment of
 44 the state gross retail tax as the department of state revenue may
 45 determine by rule.

46 (f) If the tax is paid to the department of state revenue, the amounts



received from this tax shall be paid monthly by the treasurer of state to the treasurer of the ~~capital improvement board of managers facilities management board~~ of the county upon warrants issued by the auditor of state.

SECTION 27. IC 6-9-35-4, AS ADDED BY P.L.214-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. As used in this chapter, "~~capital improvement board~~" means the ~~capital improvement board of managers created by IC 36-10-9-3~~; "**facilities management board**" means the **facilities management board established by IC 36-10-9.3**.

SECTION 28. IC 6-9-35-12, AS ADDED BY P.L.214-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) As long as there are any current or future obligations owed by the ~~capital improvement board facilities management board~~ to the authority or any state agency under a lease or other agreement entered into between the ~~capital improvement board facilities management board~~ and the authority or any state agency pursuant to IC 5-1-17-26, fifty percent (50%) of the amounts received from the taxes imposed under this chapter by counties shall be paid monthly by the county treasurer, if the tax is being paid to the county treasurer, to the treasurer of state. This amount plus fifty percent (50%) of the amounts received by the state from the taxes imposed under this chapter by counties shall be paid monthly by the treasurer of state to the treasurer of the ~~capital improvement board facilities management board~~ or its designee upon warrants issued by the auditor of state. The remainder that is received by the state shall be paid monthly by the treasurer of state to the county fiscal officer upon warrants issued by the auditor of state. In any state fiscal year, if the total amount of the taxes imposed under this chapter by all the counties and paid to the treasurer of the ~~capital improvement board facilities management board~~ or its designee under this subsection equals five million dollars (\$5,000,000), the entire remainder of the taxes imposed by a county under this chapter during that state fiscal year shall be retained by the county treasurer or paid by the treasurer of state to the fiscal officer of the county, upon warrants issued by the auditor of state.

(b) If there are then existing no obligations of the ~~capital improvement board facilities management board~~ described in subsection (a), the entire amount received from the taxes imposed by a county under this chapter shall be paid monthly by the treasurer of state to the county fiscal officer upon warrants issued by the auditor of state.

(c) The entire amount of the taxes paid to the treasurer of the ~~capital improvement board facilities management board~~ or its designee under subsection (a) shall be deposited in a special fund and used only for the payment or to secure the payment of obligations of the ~~capital improvement board facilities management board~~ described in



subsubsection (a). If the taxes are not used for the payment or to secure the payment of obligations of the ~~capital improvement board~~ **facilities management board** described in subsection (a), the taxes shall be returned by the ~~capital improvement board~~ **facilities management board** to the treasurer of state who shall return the taxes to the respective counties that contributed the taxes.

(d) The entire amount received from the taxes imposed by a municipality under this chapter shall be paid monthly by the treasurer of state to the municipality's fiscal officer upon warrants issued by the auditor of state.

SECTION 29. IC 6-9-35-15, AS ADDED BY P.L.214-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) If there are no obligations of the ~~capital improvement board~~ **facilities management board** described in section 12(a) of this chapter then outstanding and there are no bonds, leases, or other obligations then outstanding for which a pledge has been made under section 14 of this chapter, the fiscal body may adopt an ordinance, after December 31, 2009, and before December 1, 2010, or any year thereafter, that repeals the ordinance adopted under section 5 of this chapter.

(b) An ordinance adopted under subsection (a) takes effect January 1 immediately following the date of its adoption. If the fiscal body adopts such an ordinance, the clerk shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

(c) A tax imposed under this chapter terminates on January 1 of the year immediately following the year in which the last payment obligation of the ~~capital improvement board~~ **facilities management board** is made with respect to any bond, lease, or other obligation described in section 12(a) of this chapter that existed on July 1, 2006.

SECTION 30. IC 6-9-35-16, AS ADDED BY P.L.214-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. With respect to obligations of the ~~capital improvement board~~ **facilities management board** described in section 12(a) of this chapter and bonds, leases, or other obligations for which a pledge has been made under section 14 of this chapter, the general assembly covenants with the holders of these obligations that:

(1) this chapter will not be repealed or amended in any manner that will adversely affect the imposition or collection of the tax imposed under this chapter; and

(2) this chapter will not be amended in any manner that will change the purpose for which revenues from the tax imposed under this chapter may be used;

as long as the payment of any of those obligations is outstanding.

SECTION 31. IC 9-18-49-5, AS ADDED BY P.L.214-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2009]: Sec. 5. (a) The capital projects fund is established.

(b) The treasurer of state shall invest the money in the capital projects fund not currently needed to meet the obligations of the capital projects fund in the same manner as other public funds are invested. Money in the fund is continuously appropriated for the purposes of this section.

(c) The budget director shall administer the capital projects fund. Expenses of administering the capital projects fund shall be paid from money in the capital projects fund.

(d) On:

(1) June 30 of every year after June 30, 2006; or

(2) any other date designated by the budget director; an amount designated by the budget director shall be transferred from the fund to the state general fund, a ~~capital improvement board of managers created by facilities management board operating under~~ IC 36-10-9, or the designee chosen by the budget director under IC 5-1-17-28.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 32. IC 36-3-2-10, AS AMENDED BY P.L.146-2008, SECTION 701, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The general assembly finds the following:

(1) That the tax base of the consolidated city and the county have been significantly eroded through the ownership of tangible property by separate municipal corporations and other public entities that operate as private enterprises yet are exempt or whose property is exempt from property taxation.

(2) That to restore this tax base and provide a proper allocation of the cost of providing governmental services the legislative body of the consolidated city and county should be authorized to collect payments in lieu of taxes from these public entities.

(3) That the appropriate maximum payments in lieu of taxes would be the amount of the property taxes that would be paid if the tangible property were not subject to an exemption.

(b) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Exemption.

(3) Owner.

(4) Person.

(5) Personal property.

(6) Property taxation.

(7) Tangible property.

(8) Township assessor.

(c) As used in this section, "PILOTS" means payments in lieu of



1 taxes.

2 (d) As used in this section, "public entity" means any of the
3 following government entities in the county:

4 (1) An airport authority operating under IC 8-22-3.

5 (2) A ~~capital improvement board of managers facilities~~
6 **management board** under IC 36-10-9.

7 (3) A building authority operating under IC 36-9-13.

8 (4) A wastewater treatment facility.

9 (e) The legislative body of the consolidated city may adopt an
10 ordinance to require a public entity to pay PILOTS at times set forth in
11 the ordinance with respect to:

12 (1) tangible property of which the public entity is the owner or the
13 lessee and that is subject to an exemption;

14 (2) tangible property of which the owner is a person other than a
15 public entity and that is subject to an exemption under IC 8-22-3;
16 or

17 (3) both.

18 The ordinance remains in full force and effect until repealed or
19 modified by the legislative body.

20 (f) The PILOTS must be calculated so that the PILOTS may be in
21 any amount that does not exceed the amount of property taxes that
22 would have been levied by the legislative body for the consolidated city
23 and county upon the tangible property described in subsection (e) if the
24 property were not subject to an exemption from property taxation.

25 (g) PILOTS shall be imposed as are property taxes and shall be
26 based on the assessed value of the tangible property described in
27 subsection (e). Except as provided in subsection (l), the township
28 assessor, or the county assessor if there is no township assessor for the
29 township, shall assess the tangible property described in subsection (e)
30 as though the property were not subject to an exemption. The public
31 entity shall report the value of personal property in a manner consistent
32 with IC 6-1.1-3.

33 (h) Notwithstanding any law to the contrary, a public entity is
34 authorized to pay PILOTS imposed under this section from any legally
35 available source of revenues. The public entity may consider these
36 payments to be operating expenses for all purposes.

37 (i) PILOTS shall be deposited in the consolidated county fund and
38 used for any purpose for which the consolidated county fund may be
39 used.

40 (j) PILOTS shall be due as set forth in the ordinance and bear
41 interest, if unpaid, as in the case of other taxes on property. PILOTS
42 shall be treated in the same manner as taxes for purposes of all
43 procedural and substantive provisions of law.

44 (k) PILOTS imposed on a wastewater treatment facility may be paid
45 only from the cash earnings of the facility remaining after provisions
46 have been made to pay for current obligations, including:



- (1) operating and maintenance expenses;
- (2) payment of principal and interest on any bonded indebtedness;
- (3) depreciation or replacement fund expenses;
- (4) bond and interest sinking fund expenses; and
- (5) any other priority fund requirements required by law or by any bond ordinance, resolution, indenture, contract, or similar instrument binding on the facility.

(l) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

SECTION 33. IC 36-3-6-9, AS AMENDED BY P.L.146-2008, SECTION 705, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The city-county legislative body shall review the proposed operating and maintenance budgets and tax levies and adopt final operating and maintenance budgets and tax levies for each of the following entities in the county:

- (1) An airport authority operating under IC 8-22-3.
- (2) A public library operating under IC 36-12.
- (3) A capital improvement board of managers **or a facilities management board** operating under IC 36-10.
- (4) A public transportation corporation operating under IC 36-9-4.
- (5) A health and hospital corporation established under IC 16-22-8.
- (6) Any other taxing unit (as defined in IC 6-1.1-1-21) that is located in the county and has a governing body that is not comprised of a majority of officials who are elected to serve on the governing body.

Except as provided in subsection (c), the city-county legislative body may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

(b) The board of each entity listed in subsection (a) shall, after adoption of its proposed budget and tax levies, submit them, along with detailed accounts, to the city clerk before the first day of September of each year.

(c) The city-county legislative body shall review the issuance of bonds of an entity listed in subsection (a). Approval of the city-county legislative body is required for the issuance of bonds. The city-county legislative body may not reduce or modify a budget or tax levy of an entity listed in subsection (a) in a manner that would:

- (1) limit or restrict the rights vested in the entity to fulfill the terms of any agreement made with the holders of the entity's bonds; or
- (2) in any way impair the rights or remedies of the holders of the entity's bonds.

(d) If the assessed valuation of a taxing unit is entirely contained



1 within an excluded city or town (as described in IC 36-3-1-7) that is
 2 located in a county having a consolidated city, the governing body of
 3 the taxing unit shall submit its proposed operating and maintenance
 4 budget and tax levies to the city or town fiscal body for approval.

5 SECTION 34. IC 36-7-31-4 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. As used in this
 7 chapter, "~~capital improvement board~~" refers to the capital improvement
 8 ~~board of managers established by IC 36-10-9-3.~~ "**facilities**
 9 **management board**" refers to the facilities management board
 10 established by IC 36-10-9.3.

11 SECTION 35. IC 36-7-31-6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. As used in this
 13 chapter, "covered taxes" means the following:

14 **(1) With respect to the professional sports development area**
 15 **as it existed on December 31, 2008:**

16 ~~(1)~~ (A) The state gross retail tax imposed under IC 6-2.5-2-1
 17 or use tax imposed under IC 6-2.5-3-2.

18 ~~(2)~~ (B) An adjusted gross income tax imposed under
 19 IC 6-3-2-1 on an individual.

20 ~~(3)~~ (C) A county option income tax imposed under IC 6-3.5-6.

21 ~~(4)~~ (D) A food and beverage tax imposed under IC 6-9.

22 **(2) With respect to an addition to the professional sports**
 23 **development area after December 31, 2008:**

24 (A) The state gross retail tax imposed under IC 6-2.5-2-1
 25 or use tax imposed under IC 6-2.5-3-2.

26 (B) An adjusted gross income tax imposed under
 27 IC 6-3-2-1 on an individual.

28 (C) A county option income tax imposed under IC 6-3.5-6.

29 SECTION 36. IC 36-7-31-10, AS AMENDED BY P.L.214-2005,
 30 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2009]: Sec. 10. (a) A commission may establish as part of a
 32 professional sports development area any facility **or complex of**
 33 **facilities:**

34 (1) that is used in the training of a team engaged in professional
 35 sporting events; ~~or~~

36 (2) that is:

37 (A) financed in whole or in part by:

38 (i) notes or bonds issued by a political subdivision or issued
 39 under IC 36-10-9 or IC 36-10-9.1; or

40 (ii) a lease or other agreement under IC 5-1-17; and

41 (B) used to hold a professional sporting event; ~~or~~

42 **(3) that consists of a hotel, motel, or a multibrand complex of**
 43 **hotels and motels, with significant meeting space:**

44 (A) located in an area in Indianapolis, Indiana, bounded on
 45 the east by Illinois Street, on the south by Maryland Street,
 46 and on the west and north by Washington Street, as those



streets were located on June 1, 2009;

(B) that provides:

(i) convenient accommodations for consideration to the general public for periods of less than thirty (30) days, especially for individuals attending professional sporting events, conventions, or similar events in the capital improvements that are operated by the facilities management board; and

(ii) significant meeting and convention space that directly enhance events held in the capital improvements that are operated by the facilities management board; and

(C) that enhances the convention opportunities for the facilities management board to hold events that:

(i) would not otherwise be possible; and

(ii) directly affect the success of both the facilities and capital improvements that are operated by the facilities management board.

The tax area may include a facility **or complex of facilities** described in this section and any parcel of land on which the facility **or complex of facilities** is located. An area may contain noncontiguous tracts of land within the county.

(b) With respect to the site or future site of a facility or complex of facilities described in subsection (a)(3), the general assembly finds the following:

(1) That the facility or complex of facilities in the tax area provides both convenient accommodations for professional sporting events, conventions, or similar events and significant meeting and convention space that directly enhance events held in the capital improvements that are operated by the facilities management board.

(2) That the facility or complex of facilities in the tax area and the capital improvements that are operated by the facilities management board are integrally related to enhancing the convention opportunities that directly affect the success of both the facilities and capital improvements.

(3) That the facility or complex of facilities in the tax area provides the opportunity for the facilities management board to hold events that would not otherwise be possible.

(4) That the facility or complex of facilities in the tax area protects or increases state and local tax bases and tax revenues.

SECTION 37. IC 36-7-31-11, AS AMENDED BY P.L.214-2005, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) A tax area must be initially established before July 1, 1999, according to the procedures set forth for the



1 establishment of an economic development area under IC 36-7-15.1.
 2 A tax area may be changed (including to the exclusion or inclusion of
 3 a facility described in this chapter) or the terms governing the tax area
 4 may be revised in the same manner as the establishment of the initial
 5 tax area. However, **a tax area may be changed as follows:**

6 (1) After May 14, 2005, ~~(1)~~ a tax area may be changed ~~only~~ to
 7 include the site or future site of a facility that is or will be the
 8 subject of a lease or other agreement entered into between the
 9 ~~capital improvement board~~ **facilities management board** and the
 10 Indiana stadium and convention building authority or any state
 11 agency under IC 5-1-17-26. ~~and~~

12 **(2) After June 30, 2009, a tax area may be changed to include**
 13 **the site or future site of a facility or complex of facilities**
 14 **described in section 10(a)(3) of this chapter.**

15 ~~(2)~~ **(3)** The terms governing a tax area may be revised only with
 16 respect to a facility **or complex of facilities** described in
 17 subdivision (1) **or (2).**

18 (b) In establishing or changing the tax area or revising the terms
 19 governing the tax area, the commission must ~~make~~ **do** the following:
 20 ~~findings:~~

21 **(1) With respect to a tax area change described in subsection**
 22 **(a)(1), the commission must make the following findings**
 23 **instead of the findings required for the establishment of economic**
 24 **development areas:**

25 ~~(1)~~ **(A)** That a project to be undertaken or that has been
 26 undertaken in the tax area is for a facility at which a
 27 professional sporting event or a convention or similar event
 28 will be held.

29 ~~(2)~~ **(B)** That the project to be undertaken or that has been
 30 undertaken in the tax area will benefit the public health and
 31 welfare and will be of public utility and benefit.

32 ~~(3)~~ **(C)** That the project to be undertaken or that has been
 33 undertaken in the tax area will protect or increase state and
 34 local tax bases and tax revenues.

35 **(2) With respect to a tax area change described in subsection**
 36 **(a)(2), the commission must make the following findings**
 37 **instead of the findings required for the establishment of an**
 38 **economic development area:**

39 **(A) That the facility or complex of facilities in the tax area**
 40 **provides both convenient accommodations for professional**
 41 **sporting events, conventions, or similar events and**
 42 **significant meeting and convention space that directly**
 43 **enhance events held in the capital improvements that are**
 44 **operated by the facilities management board.**

45 **(B) That the facility or complex of facilities in the tax area**
 46 **and the capital improvements that are operated by the**



1 facilities management board are integrally related to
 2 enhancing the convention opportunities that directly affect
 3 the success of both the facilities and capital improvements.

4 (C) That the facility or complex of facilities in the tax area
 5 provides the opportunity for the facilities management
 6 board to hold events that would not otherwise be possible.

7 (D) That the facility or complex of facilities in the tax area
 8 protects or increases state and local tax bases and tax
 9 revenues.

10 (c) The tax area established by the commission under this chapter
 11 is a special taxing district authorized by the general assembly to enable
 12 the county to provide special benefits to taxpayers in the tax area by
 13 promoting economic development that is of public use and benefit.

14 SECTION 38. IC 36-7-31-13 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) The budget
 16 agency must approve the resolution before covered taxes may be
 17 allocated under section 14 or 14.2 of this chapter.

18 (b) When considering a resolution **with respect to a tax area**
 19 **change described in section 11(a)(1) of this chapter**, the budget
 20 committee and the budget agency must make the following findings:

21 (1) The cost of the facility and facility site specified under the
 22 resolution exceeds one hundred thousand dollars (\$100,000).

23 (2) The project specified in the resolution is economically sound
 24 and will benefit the people of Indiana by protecting or increasing
 25 state and local tax bases and tax revenues for at least the duration
 26 of the tax area established under this chapter.

27 (3) The political subdivisions ~~effected~~ **affected** by the project
 28 specified in the resolution have committed significant resources
 29 towards completion of the improvement.

30 (c) When considering a resolution with respect to a tax area
 31 change described in section 11(a)(2) of this chapter, the budget
 32 committee and the budget agency must make the following
 33 findings:

34 (1) That the facility or complex of facilities described in
 35 section 10(a)(3) of this chapter will provide accommodations
 36 and significant meeting and convention space that directly
 37 enhance events and that are located in convenient proximity
 38 to capital improvements that are operated by the facilities
 39 management board.

40 (2) That the facility or complex of facilities in the tax area and
 41 the capital improvements that are operated by the facilities
 42 management board are integrally related to enhancing the
 43 convention opportunities that directly affect the success of
 44 both the facilities and capital improvements.

45 (3) That the facility or complex of facilities specified in the
 46 resolution will benefit the people of Indiana by providing the



1 **opportunity for the facilities management board to hold**
 2 **events that would not otherwise be possible.**

3 **(4) That the facility or complex of facilities specified in the**
 4 **resolution will protect or increase state and local tax bases**
 5 **and tax revenues.**

6 ~~(c)~~ **(d)** Revenues from the tax area may not be allocated until the
 7 budget agency approves the resolution.

8 SECTION 39. IC 36-7-31-14, AS AMENDED BY P.L.214-2005,
 9 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2009]: Sec. 14. **(a) This section does not apply to that part**
 11 **of the tax area in which a facility or complex of facilities described**
 12 **in section 10(a)(3) of this chapter is located. A reference to "tax**
 13 **area" in this section does not include the part of the tax area in**
 14 **which a facility or complex of facilities described in section 10(a)(3)**
 15 **of this chapter is located.**

16 ~~(a)~~ **(b)** A tax area must be established by resolution. A resolution
 17 establishing a tax area must provide for the allocation of covered taxes
 18 attributable to a taxable event or covered taxes earned in the tax area
 19 to the professional sports development area fund established for the
 20 county. The allocation provision must apply to the **entire part of the**
 21 tax area **covered by this section.** The resolution must provide that the
 22 tax area terminates not later than December 31, 2027.

23 ~~(b)~~ **(c)** All of the salary, wages, bonuses, and other compensation
 24 that are:

- 25 (1) paid during a taxable year to a professional athlete for
- 26 professional athletic services;
- 27 (2) taxable in Indiana; and
- 28 (3) earned in the tax area;

29 shall be allocated to the tax area if the professional athlete is a member
 30 of a team that plays the majority of the professional athletic events that
 31 the team plays in Indiana in the tax area.

32 ~~(c)~~ **(d)** Except as provided by section 14.1 of this chapter, the total
 33 amount of state revenue captured by the tax area may not exceed five
 34 million dollars (\$5,000,000) per year for twenty (20) consecutive years.

35 ~~(d)~~ **(e)** The resolution establishing the tax area must designate the
 36 facility and the facility site for which the tax area is established and
 37 covered taxes will be used.

38 ~~(e)~~ **(f)** The department may adopt rules under IC 4-22-2 and
 39 guidelines to govern the allocation of covered taxes to a tax area.

40 SECTION 40. IC 36-7-31-14.1, AS AMENDED BY P.L.120-2006,
 41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2009]: Sec. 14.1. **(a)** The budget director appointed under
 43 IC 4-12-1-3 may determine that, commencing July 1, 2007, there may
 44 be captured in the tax area up to eleven million dollars (\$11,000,000)
 45 per year in addition to the up to five million dollars (\$5,000,000) of
 46 state revenue to be captured by the tax area under section 14 of this



chapter for the professional sports development area fund and in addition to the state revenue to be captured by the part of the tax area covered by section 14.2 of this chapter for the sports and convention facilities operating fund, for up to thirty-four (34) consecutive years. The budget director's determination must specify that the termination date of the tax area for purposes of the collection of the additional eleven million dollars (\$11,000,000) per year for the professional sports development area fund is extended to not later than:

(1) January 1, 2041; or

(2) January 1, 2010, if on that date there are no obligations owed by the ~~capital improvement board of managers facilities management board~~ to the Indiana stadium and convention building authority or to any state agency under IC 5-1-17-26.

Following the budget director's determination, and commencing July 1, 2007, the maximum total amount of revenue captured by the tax area for years ending before January 1, 2041, ~~shall be~~ is sixteen million dollars (\$16,000,000) per year for the professional sports development area fund.

(b) The additional revenue captured pursuant to a determination under subsection (a) shall be distributed to the ~~capital improvement board facilities management board~~ or its designee. So long as there are any current or future obligations owed by the ~~capital improvement board facilities management board~~ to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the ~~capital improvement board facilities management board~~ and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the ~~capital improvement board facilities management board~~ or its designee shall deposit the additional revenue received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

(c) Notwithstanding the budget director's determination under subsection (a), after January 1, 2010, the capture of the additional eleven million dollars (\$11,000,000) per year described in subsection (a) terminates on January 1 of the year following the first year in which no obligations of the ~~capital improvement board facilities management board~~ described in subsection (b) remain outstanding.

SECTION 41. IC 36-7-31-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 14.2. (a) This section applies to the part of the tax area in which a facility or complex of facilities described in section 10(a)(3) of this chapter is located. A reference to "tax area addition" in this section includes only the part of the tax area in which a facility or complex of facilities described in section 10(a)(3) of this chapter is located.**



(b) A tax area change described in section 11(a)(2) of this chapter must be established by resolution. A resolution changing the tax area must provide for a request for the allocation of:

(1) covered taxes attributable to a taxable event in the tax area addition; or

(2) covered taxes from income earned in the tax area addition; to the sports and convention facilities operating fund established by section 16(b) of this chapter. However, to the extent a covered tax has been pledged before January 1, 2009, and allocated under IC 36-10-9-11 to the capital improvement bond fund, that amount shall not be allocated to the sports and convention facilities operating fund.

(c) The allocation provision must apply only to the tax area addition.

(d) The resolution changing the tax area must designate each facility and each facility site for which the money to be distributed from the sports and convention facilities operating fund will be used.

(e) The budget director shall make an annual determination of whether the additional tax rates adopted after June 30, 2009, and before September 1, 2009, for the following taxes were in effect on January 1 of that year:

(1) The supplemental auto rental excise tax under IC 6-6-9.7.

(2) The innkeeper's tax under IC 6-9-8.

(3) The admissions tax under IC 6-9-13.

If the budget director determines that these additional tax rates were in effect on January 1 of the year, covered taxes attributable to the part of the tax area in which a facility or complex of facilities described in section 10(a)(3) of this chapter is located shall then be deposited in the sports and convention facilities operating fund established by section 16(b) of this chapter. For 2009, the budget director may use September 1, 2009, in lieu of January 1, 2009, to make a determination of whether to make deposits in the sports and convention facilities operating fund in 2009. However, the maximum total amount of covered taxes that may be deposited in the sports and convention facilities operating fund is eight million dollars (\$8,000,000) during each year. To the extent a covered tax has been pledged before January 1, 2009, and allocated under IC 36-10-9-11 to the capital improvement bond fund, that amount shall not be allocated to or deposited in the sports and convention facilities operating fund.

(f) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes from the tax area addition.

SECTION 42. IC 36-7-31-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) A professional



1 sports development area fund for the county is established. The fund
 2 shall be administered by the department. Money in the fund does not
 3 revert to the state general fund at the end of a state fiscal year.

4 **(b) A sports and convention facilities operating fund for the**
 5 **county is established. The fund shall be administered by the**
 6 **department. Money in the fund does not revert to the state general**
 7 **fund at the end of a state fiscal year.**

8 SECTION 43. IC 36-7-31-17 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. Covered taxes
 10 attributable to a taxing area established under section 14 of this chapter
 11 shall be deposited in the professional sports development area fund
 12 **established by section 16(a) of this chapter** for the county.

13 SECTION 44. IC 36-7-31-18 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. On or before the
 15 twentieth day of each month, all amounts held in the professional
 16 sports development area fund **and in the sports and convention**
 17 **facilities operating fund** for the county **are appropriated for and**
 18 **shall be distributed to the capital improvement board: facilities**
 19 **management board.**

20 SECTION 45. IC 36-7-31-19 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. The department
 22 shall notify the county auditor of the amount of taxes to be distributed
 23 to the ~~capital improvement board:~~ **facilities management board.**

24 SECTION 46. IC 36-7-31-20 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. All distributions
 26 from the professional sports development area fund **or the sports and**
 27 **convention facilities operating fund** for the county shall be made by
 28 warrants issued by the auditor of state to the treasurer of state ordering
 29 those payments to the ~~capital improvement board:~~ **facilities**
 30 **management board.**

31 SECTION 47. IC 36-7-31-21, AS AMENDED BY P.L.214-2005,
 32 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2009]: Sec. 21. **(a)** Except as provided in section 14.1 of this
 34 chapter, the ~~capital improvement board~~ **facilities management board**
 35 may use money distributed from the **professional sports development**
 36 **area fund established by section 16(a) of this chapter** only to
 37 construct and equip a capital improvement that is used for a
 38 professional sporting event, including the financing or refinancing of
 39 a capital improvement or the payment of lease payments for a capital
 40 improvement.

41 **(b) The facilities management board or its designee shall deposit**
 42 **the revenue received from the sports and convention facilities**
 43 **operating fund established by section 16(b) of this chapter in a**
 44 **special fund, which may be used only for paying usual and**
 45 **customary operating expenses with respect to the capital**
 46 **improvements that are operated by the facilities management**



board. The special fund may not be used for the payment of any current or future obligations owed by the facilities management board:

- (1) to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the facilities management board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26; or
- (2) for the construction or equipping of a capital improvement that is used for a professional sporting event or convention, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement.

SECTION 48. IC 36-7-31-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. The ~~capital improvement board~~ facilities management board shall repay to the professional sports development area fund **or the sports and convention facilities operating fund** any amount that is distributed to the ~~capital improvement board~~ facilities management board and used for:

- (1) a purpose that is not described in section 21 of this chapter; or
- (2) a facility or facility site other than the facility and facility site to which covered taxes are designated under the resolution described in section 14 **or 14.2** of this chapter.

The department shall distribute the covered taxes repaid to the professional sports development area fund **or the sports and convention facilities operating fund** under this section proportionately to the funds and the political subdivisions that would have received the covered taxes if the covered taxes had not been allocated to the tax area under this chapter.

SECTION 49. IC 36-9-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to all counties and to the following municipal corporations in each county:

- (1) Municipalities.
- (2) Townships.
- (3) School Corporations.
- (4) Health and hospital corporations.

The municipal corporations to which this chapter applies are referred to as "eligible entities" in this chapter. **However, sections 6 through 20 of this chapter do not apply to a county having a consolidated city.**

SECTION 50. IC 36-9-13-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. (a) This section applies to a building authority established before June 30, 2009, in a county**



1 **having a consolidated city.**

2 **(b) Notwithstanding section 4 of this chapter, the building**
3 **authority is:**

4 **(1) known as the "facilities management board of _____**
5 **County"; and**

6 **(2) under the control of, and governed by, the board of**
7 **directors of a facilities management board established by**
8 **IC 36-10-9.3.**

9 **(c) For the purposes of this chapter, the board of a building**
10 **authority subject to this section refers to the board of directors of**
11 **the facilities management board established by IC 36-10-9.3.**

12 SECTION 51. IC 36-9-13-6 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) Within sixty (60)
14 days after the adoption of the concurrent resolution under section 5 of
15 this chapter, a board of building authority trustees shall be appointed.
16 The board consists of five (5) trustees who are appointed in the
17 following manner and for the following initial terms:

18 (1) One (1) appointed by the municipal fiscal body of the county
19 seat, for a term of one (1) year.

20 (2) One (1) appointed by the county fiscal body, for a term of two
21 (2) years.

22 (3) One (1) appointed by the county executive, for a term of three
23 (3) years.

24 (4) One (1) appointed by the municipal executive of the county
25 seat, for a term of four (4) years.

26 (5) One (1) appointed by the county executive, for a term of four
27 (4) years.

28 (b) A person may be appointed as a trustee only if he:

29 (1) is at least thirty (30) years of age;

30 (2) has been a resident of the county for five (5) years
31 immediately preceding his appointment; and

32 (3) is not an officer or employee of an eligible entity.

33 (c) The names of all persons appointed under subsection (a) shall be
34 transmitted in writing to the circuit court for the county at least ten (10)
35 days before the end of the sixty (60) day period. The court shall mail a
36 notice of appointment to each trustee immediately after the sixty (60)
37 day period.

38 (d) Before entering upon his duties, each trustee shall take and
39 subscribe an oath of office (in the usual form), which shall be endorsed
40 upon his certificate of appointment. The certificate shall be promptly
41 filed with the county clerk.

42 **(e) This section does not apply to a county having a consolidated**
43 **city.**

44 SECTION 52. IC 36-9-13-7 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) As the term of a
46 trustee expires, his successor shall be appointed by the same appointing



1 authority, for a term of four (4) years.

2 (b) A trustee holds over after the expiration of his term until his
3 successor is appointed and qualified.

4 **(c) This section does not apply to a county having a consolidated**
5 **city.**

6 SECTION 53. IC 36-9-13-8 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) If a person
8 appointed as a trustee:

9 (1) fails to qualify within ten (10) days after notice of his
10 appointment is mailed to him; or

11 (2) qualifies but then dies, resigns, vacates his office because he
12 is no longer a resident of the county, or is removed from office
13 under section 18 of this chapter;

14 a new trustee shall be appointed by the same appointing authority for
15 the remainder of the vacated term.

16 **(b) This section does not apply to a county having a consolidated**
17 **city.**

18 SECTION 54. IC 36-9-13-9 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The first trustees
20 of the building authority shall, within thirty (30) days after their
21 appointment, meet at a time and place designated by the circuit court
22 for the county for the purpose of electing officers. The trustees shall
23 elect from among themselves a president, a vice president, and a
24 secretary. Each of these officers shall serve from the day of his election
25 until the first Monday in January after his election, and holds over until
26 his successor is elected and qualified.

27 (b) At the meeting under this section, the trustees shall also appoint
28 the first board of directors of the building authority, in the manner
29 prescribed by section 11 of this chapter.

30 (c) After appointing the first board of directors of the building
31 authority, the trustees shall meet on the first Monday in January of each
32 year for the purpose of:

33 (1) electing officers;

34 (2) appointing the directors of the building authority; and

35 (3) performing any other duties under this chapter.

36 **(d) This section does not apply to a county having a consolidated**
37 **city.**

38 SECTION 55. IC 36-9-13-10 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The trustees
40 may adopt rules and bylaws governing their procedure.

41 (b) The proceedings of the trustees shall be recorded in a book
42 provided for that purpose.

43 (c) In addition to their meetings under section 9 of this chapter, the
44 trustees may hold regular and special meetings as often as is necessary
45 to perform their duties under this chapter.

46 **(d) This section does not apply to a county having a consolidated**



1 city.

2 SECTION 56. IC 36-9-13-11 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) A county
4 building authority is under the control of a board of directors. This
5 board consists of five (5) directors, who shall be appointed by a
6 majority vote of the building authority trustees. Each of the original
7 directors shall serve from the date of his appointment until the first day
8 of February in the second year after his appointment, and until his
9 successor is appointed and has qualified.

10 (b) A person may be appointed as a director only if he:

11 (1) is at least thirty (30) years of age;

12 (2) has been a resident of the county five (5) years immediately
13 preceding his appointment; and

14 (3) is not an officer or employee of an eligible entity.

15 (c) Before entering upon his duties, each director shall take and
16 subscribe an oath of office (in the usual form), which shall be endorsed
17 upon his certificate of appointment. The certificate shall be promptly
18 filed with the county clerk.

19 **(d) This section does not apply to a county having a consolidated**
20 **city.**

21 SECTION 57. IC 36-9-13-12 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) As the term of
23 a director expires, his successor shall be appointed by a majority vote
24 of the trustees. The new director shall serve for one (1) year from the
25 first day of February after his appointment, and until his successor is
26 appointed and qualified.

27 **(b) This section does not apply to a county having a consolidated**
28 **city.**

29 SECTION 58. IC 36-9-13-13 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) If a vacancy
31 occurs on the board of directors, the trustees shall, by a majority vote,
32 appoint a new director to serve the remainder of the term.

33 **(b) This section does not apply to a county having a consolidated**
34 **city.**

35 SECTION 59. IC 36-9-13-14 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) The first
37 directors of a building authority shall, within thirty (30) days after their
38 appointment, meet for the purpose of electing officers. They shall elect
39 from among themselves a president, a vice president, a secretary, and
40 a treasurer. Each of these officers shall perform the duties usually
41 pertaining to his office, and shall serve from the date of his election
42 until his successor is elected and qualified.

43 (b) After the meeting under subsection (a), the directors shall meet
44 on the first Monday in February of each year for the purpose of electing
45 officers.

46 **(c) This section does not apply to a county having a consolidated**



1 city.

2 SECTION 60. IC 36-9-13-15 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) In addition to
4 their meetings under section 14 of this chapter, the directors may hold
5 the regular and special meetings they consider necessary. The directors
6 may fix the times of these meetings and the notices required for
7 meetings by resolution or under their rules and bylaws.

8 **(b) This section does not apply to a county having a consolidated**
9 **city.**

10 SECTION 61. IC 36-9-13-16 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) The directors
12 may adopt the rules and bylaws they consider necessary for the proper
13 conduct of their proceedings, the performance of their duties, and the
14 safeguarding of the funds and property of the building authority.

15 (b) A majority of the directors constitutes a quorum, and the
16 concurrence of a majority of the directors is necessary to authorize any
17 action by the directors.

18 **(c) This section does not apply to a county having a consolidated**
19 **city.**

20 SECTION 62. IC 36-9-13-17 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) A trustee or
22 director who:

- 23 (1) ceases to be a resident of the county; or
24 (2) becomes an officer or employee of an eligible entity;
25 vacates his office.

26 **(b) This section does not apply to a county having a consolidated**
27 **city.**

28 SECTION 63. IC 36-9-13-18 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A person
30 seeking the removal of a trustee for:

- 31 (1) neglect of duty;
32 (2) incompetence;
33 (3) inability to perform his duties; or
34 (4) any other good cause;

35 may file a complaint in the circuit or superior court for the county in
36 which the building authority is located. The complaint must set forth
37 the charges preferred. The action shall be placed on the court's
38 advanced calendar, and the court shall try the action in the same
39 manner as other civil cases, without a jury. If the charges are sustained,
40 the court shall declare the trustee's office vacant.

41 (b) The trustees may summarily remove a director from office at any
42 time.

43 **(c) This section does not apply to a county having a consolidated**
44 **city.**

45 SECTION 64. IC 36-9-13-19 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) A trustee or



1 director is not entitled to a salary but is entitled to reimbursement for
2 expenses necessarily incurred in the performance of his duties.

3 **(b) This section does not apply to a county having a consolidated**
4 **city.**

5 SECTION 65. IC 36-9-13-20 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) A trustee or
7 director may not have any pecuniary interest in any contract,
8 employment, purchase, or sale made under this chapter. Any such
9 transaction in which a trustee or director has a pecuniary interest is
10 void.

11 **(b) This section does not apply to a county having a consolidated**
12 **city.**

13 SECTION 66. IC 36-10-1-4 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. "Capital
15 improvement" means the building, facilities, or improvements that a
16 capital improvement board **or facilities management board**
17 **established by IC 36-10-9.3** determines will be of general public
18 benefit or welfare and will promote the cultural, recreational, public,
19 or civic well-being of the community, including a convention center.
20 This includes the land comprising the site, equipment, heating and
21 air-conditioning facilities, sewage disposal facilities, landscaping,
22 walks, drives, parking facilities, and other structures, facilities,
23 appurtenances, materials, and supplies that are necessary to make any
24 building, facility, or improvement suitable for the use for which it was
25 constructed.

26 SECTION 67. IC 36-10-9-2 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this
28 chapter:

29 "Board of directors" refers to a ~~capital improvement board of~~
30 ~~managers created under this chapter.~~ **the board of directors of the**
31 **facilities management board.**

32 "Bonds" means bonds issued under section 12 or section 15 of this
33 chapter and, except as used in section 12 of this chapter or unless the
34 context otherwise requires, lease agreements entered into under section
35 6(15) of this chapter.

36 "Excise taxes" refers to the excise taxes imposed by IC 6-9-8,
37 IC 6-9-12, and IC 6-9-13.

38 **"Facilities management board" refers to the facilities**
39 **management board established by IC 36-10-9.3.**

40 "Issue", "issued", or "issuance" means in the case of lease
41 agreements "execute", "executed", or "execution" respectively.

42 "Lease agreements" means lease agreements entered into under
43 section 6(15) of this chapter.

44 "Net income" means the gross income from the operation of a
45 capital improvement after deducting the necessary operating expenses
46 of the **facilities management** board.



"Notes" means notes issued under section 21 of this chapter.

"Operating expenses" means:

(1) the necessary operational expenses of the **board facilities management board** in performing its duties under this chapter, including maintenance, repairs, replacements, alterations, and costs of services of architects, engineers, accountants, attorneys, and consultants;

(2) the expenses for any other purpose that has been approved under section 8 of this chapter; and

(3) the maintenance of reasonable reserves for any of the items listed in subdivisions (1) and (2) of this definition or for other purposes required under a resolution, ordinance, or trust agreement.

"Principal and interest" or "principal on and interest of" includes, unless the context otherwise requires, payments required by lease agreements.

"Pre-1981 general obligation bonds" means general obligation bonds issued before January 1, 1981.

"Trust agreements", except as used in section 13 of this chapter or unless the context otherwise requires, includes lease agreements.

SECTION 68. IC 36-10-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. ~~(a) A capital improvement board of managers is created in the county.~~

~~(b)~~ The county may finance, construct, **lease**, equip, operate, and maintain a capital improvement under this chapter.

SECTION 69. IC 36-10-9-6, AS AMENDED BY P.L.214-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The **board facilities management board** may, acting under the title "~~capital improvement board of managers~~ **facilities management board** of _____ County", do the following:

(1) Acquire by grant, purchase, gift, devise, lease, condemnation, or otherwise, and hold, use, sell, lease, or dispose of, real and personal property and all property rights and interests necessary or convenient for the exercise of its powers under this chapter.

(2) Construct, reconstruct, repair, remodel, enlarge, extend, or add to any capital improvement built or acquired by the **facilities management board** under this chapter.

(3) Control and operate a capital improvement, including letting concessions and leasing all or part of the capital improvement.

(4) Fix charges and establish rules governing the use of a capital improvement.

(5) Accept gifts or contributions from individuals, corporations, limited liability companies, partnerships, associations, trusts, or political subdivisions, foundations, and funds, loans, or advances on the terms that the **facilities management board** considers



necessary or desirable from the United States, the state, and any political subdivision or department of either, including entering into and carrying out contracts and agreements in connection with this subdivision.

(6) Exercise within and in the name of the county the power of eminent domain under general statutes governing the exercise of the power for a public purpose.

(7) Receive and collect money due for the use or leasing of a capital improvement and from concessions and other contracts, and expend the money for proper purposes.

(8) Receive excise taxes, income taxes, and ad valorem property taxes and expend the money for operating expenses, payments of principal or interest of bonds or notes issued under this chapter, and for all or part of the cost of a capital improvement.

(9) Retain the services of architects, engineers, accountants, attorneys, and consultants and hire employees upon terms and conditions established by the ~~board~~, **facilities management board**, so long as any employees ~~or members~~ of the ~~board~~ **facilities management board or directors** authorized to receive, collect, and expend money are covered by a fidelity bond, the amount of which shall be fixed by the ~~board~~. **facilities management board**. Funds may not be disbursed by an employee ~~or member~~ of the ~~board~~ **facilities management board or director** without prior specific approval by the ~~board~~. **facilities management board**.

(10) Provide coverage for its employees under IC 22-3 and IC 22-4.

(11) Purchase public liability and other insurance considered desirable.

(12) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including the enforcement of them.

(13) Sue and be sued in the name and style of "~~capital improvement board of managers~~ **facilities management board** of _____ County" (including the name of the county), service of process being had by leaving a copy at the ~~board's~~ **facilities management board's** office.

(14) Prepare and publish descriptive material and literature relating to the facilities and advantages of a capital improvement and do all other acts that the **facilities management board** considers necessary to promote and publicize the capital improvement, including the convention and visitor industry, and serve the commercial, industrial, and cultural interests of Indiana and its citizens. The ~~board~~ **facilities management board** may assist, cooperate, and fund governmental, public, and private agencies and groups for these purposes.



(15) Enter into leases of capital improvements and sell or lease property under IC 5-1-17 or IC 36-10-9.1.

SECTION 70. IC 36-10-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The purchase or lease of material and work on a capital improvement shall be done by the **facilities management** board under statutes governing these activities by counties. However, if the total cost of construction or equipping of a capital improvement or of the alteration, maintenance, or repair of any building is estimated to be fifty thousand dollars (\$50,000) or less, the **facilities management** board may procure materials and perform the work by its own employees and with owned or leased equipment without awarding a contract. In addition, in an emergency determined and declared by the **facilities management** board and entered in its records, the **facilities management** board may make emergency alterations, repairs, or replacements and contract for them without advertising for bids.

(b) Title to or interest in any property acquired shall be held in the name of the county, and the **facilities management** board has complete and exclusive authority to sell, lease, or dispose of it and to execute all conveyances, leases, contracts, and other instruments in connection with it. However, real property may not be sold without the approval of the executive of the consolidated city.

SECTION 71. IC 36-10-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The ~~board~~ **facilities management board** shall prepare a budget for each calendar year covering the projected operating expenses, **projected expenditures for capital improvements or land acquisition**, and estimated income to pay the operating expenses **and capital expenditures**, including amounts, if any, to be received from excise taxes and ad valorem property taxes. It shall submit the **operating and capital** budget for review, approval, or rejection to the city-county legislative body. The ~~board~~ **facilities management board** may make expenditures only as provided in the budget as approved, unless additional expenditures are approved by the legislative body. However, payments to users of any capital improvement that constitute a contractual share of box office receipts are neither an operating expense nor an expenditure within the meaning of this section.

(b) If the ~~board~~ **facilities management board** desires to finance a capital improvement in whole or in part by the issuance of bonds under section 12 or 15 of this chapter, the ~~board~~ **facilities management board** shall submit the following information to the city-county legislative body at least ~~fifteen (15)~~ **thirty (30)** days before the adoption of a resolution authorizing the issuance of the bonds:

(1) A description of the project to be financed through the issuance of bonds.

(2) The total amount of the project anticipated to be funded



through the issuance of bonds.

(3) The total amount of other anticipated revenue sources for the project.

(4) Any other terms upon which the bonds will be issued.

(c) The city-county legislative body must discuss the information provided in subsection (b) in a public hearing **held before the resolution may be adopted by the facilities management board.**

(d) The facilities management board shall post the facilities management board's proposed budget and adopted budget on the facilities management board's Internet web site.

SECTION 72. IC 36-10-9-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8.1. (a) During 2009, the facilities management board shall prepare a long range financial plan covering the period beginning with the year 2010 and ending with the year 2041. The long range financial plan must set forth the following:**

(1) The schedule for the retirement of all debt that is outstanding as of January 1, 2010.

(2) An estimated operating and capital budget for each calendar year that covers the projected operating expenses, debt obligations, expenditures for capital improvements and land acquisition, and estimated income to pay these items, including the source of each type of income.

(b) Before January 1, 2010, the facilities management board shall deliver a copy of the long range financial plan to each member of the city-county legislative body and to the legislative council in an electronic format under IC 5-14-6.

(c) The city-county legislative body shall discuss the long range financial plan in a public hearing.

SECTION 73. IC 36-10-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The treasurer of the ~~board~~ **facilities management board** is the official custodian of all funds and assets of the ~~board~~ **facilities management board** and is responsible for their safeguarding and accounting. ~~He~~ **The treasurer** shall give bond for the faithful performance and discharge of all duties required of ~~him~~ **the treasurer** by law in the amount and with surety and other conditions that may be prescribed and approved by the board **of directors**. All funds and assets in the capital improvement fund and the capital improvement bond fund created by this chapter and all other funds, assets, and tax revenues held, collected, or received by the treasurer of the county for the use of the ~~board~~ **facilities management board** shall be promptly remitted and paid over by ~~him~~ **the county treasurer** to the treasurer of the ~~board~~ **facilities management board**, who shall issue receipts for them.

(b) The treasurer of the ~~board~~ **facilities management board** shall



1 deposit all funds coming into ~~his~~ **the treasurer's** hands as required by
 2 this chapter and by IC 6-7-1-30.1, and in accordance with IC 5-13.
 3 Money so deposited may be invested and reinvested by the treasurer in
 4 accordance with general statutes relating to the investment of public
 5 funds and in securities that the board **of directors** specifically directs.
 6 All interest and other income earned on investments becomes a part of
 7 the particular fund from which the money was invested, except as
 8 provided in a resolution, ordinance, or trust agreement providing for
 9 the issuance of bonds or notes. All funds invested in deposit accounts
 10 as provided in IC 5-13-9 must be insured under IC 5-13-12.

11 (c) The **facilities management** board shall appoint a controller to
 12 act as the auditor and assistant treasurer of the **facilities management**
 13 board. ~~He~~ **The controller** shall serve as the official custodian of all
 14 books of account and other financial records of the ~~board~~ **facilities**
 15 **management board** and has the same powers and duties as the
 16 treasurer of the ~~board~~ **facilities management board** or the lesser
 17 powers and duties that the board **of directors** prescribes. The
 18 controller, and any other employee ~~or member~~ of the **facilities**
 19 **management board or director** authorized to receive, collect, or
 20 expend money, shall give bond for the faithful performance and
 21 discharge of all duties required of ~~him~~ **the controller** in the amount
 22 and with surety and other conditions that may be prescribed and
 23 approved by the **facilities management** board. ~~He~~ **The controller** shall
 24 keep an accurate account of all money due the ~~board~~ **facilities**
 25 **management board** and of all money received, invested, and
 26 disbursed in accordance with generally recognized governmental
 27 accounting principles and procedure. All accounting forms and records
 28 shall be prescribed or approved by the state board of accounts.

29 (d) The controller shall issue all warrants for the payment of money
 30 from the funds of the ~~board~~ **facilities management board** in
 31 accordance with procedures prescribed by the board **of directors** but
 32 a warrant may not be issued for the payment of a claim until an
 33 itemized and verified statement of the claim has been filed with the
 34 controller, who may require evidence that all amounts claimed are
 35 justly due. All warrants shall be countersigned by the treasurer ~~of the~~
 36 ~~board~~ or by the executive manager. Warrants may be executed with
 37 facsimile signatures.

38 (e) If there are bonds or notes outstanding issued under this chapter,
 39 the controller shall deposit with the paying agent or other paying officer
 40 within a reasonable period before the date that any principal or interest
 41 becomes due sufficient money for the payment of the principal and
 42 interest on the due dates. The controller shall make the deposit with
 43 money from the sources provided in this chapter, and he shall make the
 44 deposit in an amount that, together with other money available for the
 45 payment of the principal and interest, is sufficient to make the payment.
 46 In addition, the controller shall make other deposits for the bonds and



notes as is required by this chapter or by the resolutions, ordinances, or trust agreements under which the bonds or notes are issued.

(f) The controller shall submit to the ~~board~~ **facilities management board** at least annually a report of ~~his~~ **the facilities management board's** accounts exhibiting the revenues, receipts, and disbursements and the sources from which the revenues and receipts were derived and the purpose and manner in which they were disbursed. The ~~board~~ **facilities management board** may require that the report be prepared by an independent certified public accountant designated by the board **of directors. The state board of accounts shall audit annually the accounts, books, and records of the facilities management board and prepare a financial and a compliance audit report. The facilities management board shall submit the state board of accounts' financial and compliance reports to the city-county legislative body. The facilities management board shall post the state board of accounts' reports on the facilities management board's Internet web site. The city-county legislative body shall discuss the state board of accounts' financial and compliance reports in a public hearing.** The handling and expenditure of funds is subject to ~~audit and~~ supervision by the state board of accounts.

SECTION 74. IC 36-10-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) Unless there are bonds or notes outstanding under this chapter and secured in whole or in part by money deposited in the capital improvement bond fund, the proceeds of excise taxes received from the treasurer of the state shall be deposited in a separate and distinct fund called the "capital improvement fund". The gross income received by the **facilities management** board from the operation of capital improvements under this chapter shall be deposited in the capital improvement fund, regardless of whether or not there are any bonds or notes outstanding. Any money in the fund may be expended by the **facilities management** board without the necessity of an appropriation to pay or provide for the payment of operating expenses. Money in the fund may also be used by the **facilities management** board without appropriation or approval to pay the principal on, or interest of, any bonds or notes issued under this chapter that cannot be paid from funds in the capital improvement bond fund or may be used for the payment of the principal of, redemption premium, if any, for, and interest on any bonds or notes issued under this chapter, upon prior redemption, or for all or part of the cost of a capital improvement.

(b) The **facilities management** board may covenant in any resolution, ordinance, or trust agreement providing for the issuance of bonds or notes as to the order of application of money deposited in the capital improvement fund, including the holding or disposing of any surplus in that fund.

(c) The net income from the operation of capital improvements



under this chapter shall be transferred from the capital improvement fund to the capital improvement bond fund to the extent of any deficiency in the amount required to be in the capital improvement bond fund.

SECTION 75. IC 36-10-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) If there are any outstanding bonds or notes issued under this chapter and secured in whole or in part by money deposited in the capital improvement bond fund, the treasurer of the **facilities management** board shall, except as otherwise provided in this section, deposit the following amounts in a separate and distinct fund called the "capital improvement bond fund":

(1) Excise tax proceeds received by the treasurer.

(2) Net income transferred to the capital improvement bond fund under section 10 of this chapter.

(3) Any other amounts received for deposit in the capital improvement bond fund.

(b) Principal and interest subaccounts shall be maintained in the capital improvement bond fund. The lesser of the following amounts shall be deposited in the principal and interest subaccounts:

(1) The total of the amounts listed in subsection (a).

(2) The total of the following amounts:

(A) In the principal and interest subaccount for the pre-1981 general obligation bonds, the amount required to provide sufficient funds to pay the principal of and interest coming due within the next twelve (12) months on the pre-1981 general obligation bonds.

(B) In the principal and interest subaccounts for all outstanding bonds and notes issued under this chapter, other than the pre-1981 general obligation bonds, the amounts required by the resolutions, ordinances, and trust agreements under which the bonds or notes are issued.

The deposits shall be made pro rata as between pre-1981 general obligation bonds, if any, and all other bonds and notes issued under this chapter. Deposits to principal and interest subaccounts for notes and for bonds, other than pre-1981 general obligation bonds, shall be made in the manner and in the order of priority that is provided in the resolutions, ordinances, and trust agreements under which the bonds or notes are issued. Amounts in a principal and interest subaccount may be used solely to pay the principal of and interest on the issue or issues of bonds or notes for which the principal and interest subaccount was established.

(c) The treasurer of the **facilities management** board shall maintain in the capital improvement bond fund a bond reserve subaccount for the pre-1981 general obligation bonds. The treasurer shall maintain the subaccount in an amount equal to the maximum amount of principal and interest coming due on the pre-1981 general obligation bonds in



any subsequent year. Reserve subaccounts shall also be maintained for other bonds and for notes secured in whole or in part by money deposited in the capital improvement bond fund; these subaccounts shall be maintained to the extent and in the amount required by the resolutions, ordinances, and trust agreements under which the bonds or notes are issued. Amounts described in subsection (a) that are not required to be deposited in principal and interest subaccounts under subsection (b) shall be deposited in the reserve subaccounts to the extent of any deficiency in those subaccounts. The deposits shall be made pro rata as between the reserve subaccount for pre-1981 general obligation bonds and all other reserve subaccounts. Deposits to the reserve subaccounts for notes and for bonds, other than pre-1981 general obligation bonds, shall be made in the manner and in the order of priority that is provided in the resolutions, ordinances, and trust agreements under which the bonds or notes are issued. Subject to subsection (e), amounts in a reserve subaccount may be used solely to pay the principal of and interest on the issue or issues of bonds or notes for which the reserve subaccount was established and only to the extent amounts in the principal and interest subaccount for the issue or issues of bonds or notes are not sufficient for that purpose.

(d) Amounts described in subsection (a) that are not required to be deposited in principal and interest subaccounts or bond reserve subaccounts under subsections (b) and (c) shall be deposited in the capital improvement fund rather than the capital improvement bond fund.

(e) Unless otherwise provided in any resolution, ordinance, or trust agreement under which bonds or notes are issued, amounts in the capital improvement bond fund in excess of the amount required by this section to be on deposit in that fund shall be transferred to the capital improvement fund.

(f) The principal and interest subaccount and bond reserve subaccount for the pre-1981 general obligation bonds shall be held by the treasurer of the board. Other principal and interest subaccounts and bond reserve subaccounts shall be held by the treasurer or by an escrow agent, depository, or trustee provided in the resolutions, ordinances, or trust agreements establishing the subaccounts. One (1) principal and interest subaccount or bond reserve subaccount may be established for two (2) or more issues of bonds or notes.

(g) Amounts in the capital improvement bond fund on June 1, 1981, shall be first used to establish the principal and interest subaccount for the pre-1981 general obligation bonds in the required amount and then to establish the bond reserve subaccount for those bonds in the required amount. Any excess remaining shall be deposited in the capital improvement fund.

(h) For purposes of this section and section 10 of this chapter, bonds issued under section 15 of this chapter shall be considered to be



1 secured by money deposited in the capital improvement bond fund, if
 2 provided in the resolution, ordinance, or trust agreement providing for
 3 the issuance of the bonds.

4 SECTION 76. IC 36-10-9-11.1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11.1. (a) Upon the
 6 defeasance of an issue of ~~capital improvement board facilities~~
 7 **management board** bonds, the **facilities management** board may use
 8 funds in its capital improvement bond fund for those defeased bonds
 9 for the purposes set forth in subsection (b) if the **facilities**
 10 **management** board:

11 (1) has sold all or part of a capital improvement to a county
 12 convention and recreation facilities authority and leased it back;
 13 or

14 (2) has leased all or part of a capital improvement to a county
 15 convention and recreation facilities authority and leased it back.

16 (b) The **facilities management** board may use the funds in the
 17 capital improvement fund for the defeased bonds for the following:

18 (1) As payment of lease rental or as a reserve for lease rental.

19 (2) As a deposit with the county convention and recreation
 20 facilities authority or a trustee for the authority's bond owners to
 21 be used for payment of those bonds or as a reserve for those
 22 bonds.

23 (3) For any purpose for which the **facilities management** board
 24 is authorized to expend or apply funds.

25 (4) For any combination of the purposes set forth in subdivisions
 26 (1), (2), and (3).

27 SECTION 77. IC 36-10-9-12 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) A capital
 29 improvement may be financed in whole or in part by the issuance of
 30 bonds payable, to the extent stated in the resolution or trust agreement
 31 providing for the issuance of the bonds, solely from one (1) or more of
 32 the following sources:

33 (1) Net income received from the operation of the capital
 34 improvement and not required to be deposited in the capital
 35 improvement bond fund under section 11 of this chapter.

36 (2) Net income received from the operation of any other capital
 37 improvement or improvements and not required to be deposited
 38 in the capital improvement bond fund under section 11 of this
 39 chapter.

40 (3) Money in the capital improvement bond fund available for
 41 that purpose.

42 (4) Money in the capital improvement fund available for that
 43 purpose.

44 (5) Any other funds made available for that purpose.

45 The resolution or trust agreement may pledge all or part of those
 46 amounts to the repayment of the bonds and may secure the bonds by a



lien on the amounts pledged.

(b) If the board **of directors** desires to finance a capital improvement in whole or in part as provided in this section, it shall adopt a resolution authorizing the issuance of revenue bonds. The resolution must state the date or dates on which the principal of the bonds will mature (not exceeding forty (40) years from the date of issuance), the maximum interest rate to be paid, and the other terms upon which the bonds will be issued.

(c) **If the city-county legislative body approves issuance of bonds under IC 36-3-6-9**, the board shall submit the resolution to the executive of the consolidated city, who shall review it. If the executive approves the resolution, the **facilities management** board shall take all actions necessary to issue bonds in accordance with the resolution. The **facilities management** board may, under section 13 of this chapter, enter into a trust agreement with a trust company as trustee for the bondholders. An action to contest the validity of bonds to be issued under this section may not be brought after the fifteenth day following:

- (1) the receipt of bids for the bonds, if the bonds are sold at public sale; or
- (2) the publication one (1) time in a newspaper of general circulation published in the county of notice of the execution and delivery of the contract of sale for the bonds;

whichever occurs first.

(d) Bonds issued under this section may be sold at public or private sale for the price or prices that are provided in the resolution authorizing the issuance of bonds. All bonds and interest are exempt from taxation in Indiana as provided in IC 6-8-5.

(e) When issuing revenue bonds, the board may covenant with the purchasers of the bonds that any funds in the capital improvement fund may be used to pay the principal on, or interest of, the bonds that cannot be paid from any other funds.

(f) The revenue bonds may be made redeemable before maturity at the price or prices and under the terms that are determined by the board **of directors** in the authorizing resolution. The board **of directors** shall determine the form of bonds, including any interest coupons to be attached, and shall fix the denomination or denominations of the bonds and the place or places of payment of the principal and interest, which may be at any bank or trust company within or outside Indiana. All bonds must have all the qualities and incidents of negotiable instruments under statute. Provision may be made for the registration of any of the bonds as to principal alone or to both principal and interest.

(g) The revenue bonds shall be issued in the name of the county and must recite on the face that the principal of and interest on the bonds is payable solely from the amounts pledged to their payment. The bonds shall be executed by the manual or facsimile signature of the



1 president of the board, and the seal of the county shall be affixed or
 2 imprinted on the bonds. The seal shall be attested by the manual or
 3 facsimile signature of the auditor of the county. However, one (1) of the
 4 signatures must be manual, unless the bonds are authenticated by the
 5 manual signature of an authorized officer or a trustee for the
 6 bondholders. Any coupons attached must bear the facsimile signature
 7 of the president of the board.

8 (h) This chapter constitutes full and complete authority for the
 9 issuance of revenue bonds. No law, procedure, proceedings,
 10 publications, notices, consents, approvals, orders, acts, or things by the
 11 **facilities management** board or any other officer, department, agency,
 12 or instrumentality of the state or any political subdivision is required
 13 to issue any revenue bonds except as prescribed in this chapter.

14 (i) Revenue bonds issued under this section are legal investments
 15 for private trust funds and the funds of banks, trust companies,
 16 insurance companies, building and loan associations, credit unions,
 17 banks of discount and deposit, savings banks, loan and trust and safe
 18 deposit companies, rural loan and savings associations, guaranty loan
 19 and savings associations, mortgage guaranty companies, small loan
 20 companies, industrial loan and investment companies, and other
 21 financial institutions organized under statute.

22 SECTION 78. IC 36-10-9-13 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) Revenue bonds
 24 issued under this chapter may be secured by a trust agreement by and
 25 between the **facilities management** board and a corporate trustee,
 26 which may be any trust company or bank having the powers of a trust
 27 company in Indiana. Any resolution adopted by the board of **directors**
 28 providing for the issuance of revenue bonds and any trust agreement
 29 under which the revenue bonds are issued may pledge or assign,
 30 subject only to valid prior pledges, all or a part of the amounts
 31 authorized by this chapter, but the **facilities management** board may
 32 not convey or mortgage any capital improvement or any part of a
 33 capital improvement.

34 (b) In authorizing the issuance of revenue bonds, the **facilities**
 35 **management** board may:

36 (1) limit the amount of revenue bonds that may be issued as a first
 37 lien against the amounts pledged to the payment of those revenue
 38 bonds; or

39 (2) authorize the issuance from time to time of additional revenue
 40 bonds secured by the same lien.

41 Additional revenue bonds shall be issued on the terms and conditions
 42 provided in the bond resolution or resolutions adopted by the **facilities**
 43 **management** board and in the trust agreement or any agreement
 44 supplemental to the trust agreement. Additional revenue bonds may be
 45 secured equally and ratably without preference, priority, or distinction
 46 with the original issue of revenue bonds or may be made junior to the



1 original issue of revenue bonds.

2 (c) Any pledge or assignment made by the **facilities management**
 3 board under this section is valid and binding from the time that the
 4 pledge or assignment is made, and the amounts pledged and received
 5 by the **facilities management** board are immediately subject to the lien
 6 of the pledge or assignment without physical delivery of those amounts
 7 or further act. The lien of the pledge or assignment is valid and binding
 8 against all parties having claims of any kind in tort, contract, or
 9 otherwise against the **facilities management** board irrespective of
 10 whether these parties have notice of the lien. Neither the resolution nor
 11 any trust agreement by which a pledge is created or an assignment need
 12 be filed or recorded in order to perfect the resulting lien against third
 13 parties. However, a copy of the pledge or assignment shall be filed in
 14 the records of the board.

15 (d) Any trust agreement or resolution providing for the issuance of
 16 revenue bonds may contain provisions for protecting and enforcing the
 17 rights and remedies of the bondholders that are reasonable and proper
 18 and not in violation of law. The provisions may include ~~covenants~~
 19 **covenants** stating the duties of the board in relation to:

- 20 (1) the acquisition of property;
- 21 (2) the construction, improvement, maintenance, repair,
 22 operation, and insurance of the capital improvement or capital
 23 improvements in connection with which the bonds have been
 24 authorized;
- 25 (3) the rates of fees, rentals, or other charges to be collected for
 26 the use of the capital improvement or capital improvements;
- 27 (4) the custody, safeguarding, investment, and application of all
 28 money received or to be received by the **facilities management**
 29 board or trustee;
- 30 (5) the establishment of funds, reserves, and accounts; and
- 31 (6) the employment of consulting engineers in connection with
 32 the construction or operation of the capital improvement or
 33 capital improvements.

34 (e) It is lawful for any bank or trust company incorporated under
 35 statute, and any national banking association that may act as depository
 36 of the proceeds of bonds or other funds of the board, to furnish
 37 indemnifying bonds or to pledge securities that are required by the
 38 board.

39 (f) Any trust agreement entered into under this section may state the
 40 rights and remedies of the bondholders and of the trustee, and may
 41 restrict the individual right of action by bondholders as is customary in
 42 trust agreements or trust indentures securing bonds or debentures of
 43 private corporations. In addition, the trust agreement may contain other
 44 provisions that the board **of directors** considers reasonable and proper
 45 for the security of the bondholders.

46 (g) All expenses incurred in carrying out a trust agreement entered



into under this section may be treated as a part of the necessary operating expenses of the **facilities management** board.

SECTION 79. IC 36-10-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) The Indiana general assembly covenants with the purchasers of any bonds or notes issued under this chapter that:

(1) the excise taxes pledged to the payment of those bonds and notes will not be repealed, amended, or altered in any manner that would reduce or adversely affect the levy and collection of those taxes; and

(2) it will not reduce the rates or amounts of those taxes; as long as the principal of, or interest on, any bonds or notes is unpaid.

(b) The **facilities management** board, on behalf of the county, may make a similar pledge or covenant in any agreement with the purchasers of any bonds or notes issued under this chapter.

(c) For purposes of this section, the principal of or interest on bonds or notes is considered paid if provision has been made for their payment in such a manner that the bonds or notes are not considered to be outstanding under the resolution, ordinance, or trust agreement under which the bonds or notes are issued.

SECTION 80. IC 36-10-9-15, AS AMENDED BY P.L.146-2008, SECTION 797, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county.

(b) If the board of **directors** desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the board of commissioners of the county authorizing the issuance of general obligation bonds. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the ~~board of commissioners of the county~~, **city-county legislative body for approval under IC 36-3-6-9**, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum amount payable in any year as principal and interest on the bonds issued under this chapter, including the bonds proposed to be issued, at the maximum interest rate set forth in the resolution. The bonds issued may mature over a period not exceeding forty (40) years from the date of issue.

(c) ~~Upon receipt of the resolution and certificate, the board of commissioners of the county may adopt them and~~ **If the city-county**



1 **legislative body approves the issuance of bonds under IC 36-3-6-9,**
 2 **the facilities management board shall submit the resolution to the**
 3 **executive of the consolidated city, who shall review the resolution.**
 4 **If the executive approves the resolution, the board of directors**
 5 **shall** take all action necessary to issue the bonds in accordance with the
 6 resolution. An action to contest the validity of bonds issued under this
 7 section may not be brought after the fifteenth day following the receipt
 8 of bids for the bonds.

9 (d) The provisions of all general statutes relating to:

10 (1) the filing of a petition requesting the issuance of bonds and
 11 giving notice;

12 (2) the right of:

13 (A) taxpayers and voters to remonstrate against the issuance of
 14 bonds in the case of a proposed bond issue described by
 15 IC 6-1.1-20-3.1(a); or

16 (B) voters to vote on the issuance of bonds in the case of a
 17 proposed bond issue described by IC 6-1.1-20-3.5(a);

18 (3) the giving of notice of the determination to issue bonds;

19 (4) the giving of notice of a hearing on the appropriation of the
 20 proceeds of bonds;

21 (5) the right of taxpayers to appear and be heard on the proposed
 22 appropriation;

23 (6) the approval of the appropriation by the department of local
 24 government finance; and

25 (7) the sale of bonds at public sale for not less than par value;

26 are applicable to the issuance of bonds under this section.

27 SECTION 81. IC 36-10-9-18 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. All property owned
 29 or used and all income and revenues received by the **facilities**
 30 **management** board are exempt from special assessments and taxation
 31 in Indiana for all purposes.

32 SECTION 82. IC 36-10-9-19 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. The **facilities**
 34 **management** board and the state, any department, agency, or
 35 commission of the state, or any department, agency, or commission of
 36 municipal or county government, may enter into agreements, contracts,
 37 or leases with each other on the terms that are agreed upon, providing
 38 for joint and cooperative planning, financing, construction, operation,
 39 or maintenance of a capital improvement or of the buildings, facilities,
 40 structures, or improvements that are necessary or desirable in
 41 connection with the use and operation of a capital improvement.

42 SECTION 83. IC 36-10-9-20 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) Four million
 44 dollars (\$4,000,000) has been appropriated out of money in the general
 45 fund of the state not otherwise appropriated for distribution by the
 46 auditor and treasurer of state to a board that was in existence on March



11, 1967, to be expended by the board for the purpose of financing a convention center to be known as the Indiana convention exposition center. However, the four million dollar (\$4,000,000) appropriation could not be spent by the board until funds and assets, exclusive of real property, in addition to this appropriation, had been received by the board under section 6 of this chapter of a total value of two million dollars (\$2,000,000) in excess of the cost of the funds and assets to the board. The valuation of the funds and assets shall be conclusively determined by the **facilities management** board and the executive of the consolidated city. This appropriation does not lapse at the end of any biennium.

(b) The four million dollars (\$4,000,000), including accrued interest, shall be repaid to the treasurer of state by December 31, 2000, in annual installments. The first payment shall be made on or before December 31, 1992. The amount of the payment must include interest at two percent (2%) per year. The repayment shall be made by the **facilities management** board from net income received from the operation of the convention center, from available amounts in the capital improvement fund, and from any contributions, bequests, or other sources available to the **facilities management** board for this purpose.

SECTION 84. IC 36-10-9-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) In anticipation of funds to be received from any source, the board may borrow money and issue notes for a term not exceeding ten (10) years and at a rate or rates of interest determined by the board. The notes shall be issued in the name of the "**capital improvement board of managers facilities management board** of _____ County" and may be secured (either on a parity with or junior and subordinate to any outstanding bonds or notes) by:

- (1) the pledge of income and revenues of any capital improvement;
- (2) the proceeds of excise taxes; or
- (3) any other funds anticipated to be received.

The notes are payable solely from the income, excise taxes, revenues, and anticipated funds.

(b) The financing may be negotiated directly by the board with any bank, insurance company, savings association, or other financial institution licensed to do business in Indiana upon the terms and conditions that are agreed upon, except as specifically provided in this section, and may be consummated without public offering. The notes plus interest are exempt from taxation in Indiana as provided for bonds in IC 6-8-5.

SECTION 85. IC 36-10-9-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. A ~~board established under this chapter~~ **facilities management board** may defend any



current or former member of the board **of directors** or its officers, employees, or agents in a claim or suit, at law or in equity, that arises from the exercise of powers or the performance of duties or services for the board or that arises from official acts as a member of the board **of directors**. The **facilities management** board may indemnify a person for any liability, cost, or damages related to a claim or suit, including the payment of legal fees. Before taking action authorized by this section, the board **of directors** must, by resolution, determine that the action or conduct in question was taken, done, or omitted in good faith.

SECTION 86. IC 36-10-9.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. As used in this chapter, "~~capital improvement board~~" refers to the ~~capital improvement board of managers created by IC 36-10-9-3~~. "**facilities management board**" means the **facilities management board established by IC 36-10-9.3**.

SECTION 87. IC 36-10-9.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. A _____ County Convention and Recreational Facilities Authority (the blank to be filled in with the name of the county) is created in the county as a separate body corporate and politic as an instrumentality of the county to finance facilities for lease to the ~~capital improvement board~~. **facilities management board**.

SECTION 88. IC 36-10-9.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. The authority is organized for the following purposes:

(1) Financing, constructing, and leasing capital improvements to the ~~capital improvement board~~. **facilities management board**.

(2) Financing and constructing additional improvements to capital improvements owned by the authority and leasing them to the ~~capital improvement board~~. **facilities management board**.

(3) Acquiring all or a portion of one (1) or more capital improvements from the ~~capital improvement board~~ **facilities management board** by purchase or lease and leasing these capital improvements back to the ~~capital improvement board~~, **facilities management board**, with any additional improvements that may be made to them.

(4) Acquiring all or a portion of one (1) or more capital improvements from the ~~capital improvement board~~ **facilities management board** by purchase or lease to fund or refund indebtedness incurred on account of those capital improvements to enable the ~~capital improvement board~~ **facilities management board** to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the ~~capital improvement board~~ **facilities management board** considers to be unduly burdensome.

SECTION 89. IC 36-10-9.1-11 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. The authority may
2 also:

- 3 (1) finance, improve, construct, reconstruct, renovate, purchase,
4 lease, acquire, and equip capital improvements;
- 5 (2) lease those capital improvements to the ~~capital improvement~~
6 ~~board;~~ **facilities management board;**
- 7 (3) sue, be sued, plead, and be impleaded, but all actions against
8 the authority must be brought in the circuit or superior court of
9 the county in which the authority is located;
- 10 (4) condemn, appropriate, lease, rent, purchase, and hold any real
11 or personal property needed or considered useful in connection
12 with capital improvements;
- 13 (5) acquire real or personal property by gift, devise, or bequest
14 and hold, use, or dispose of that property for the purposes
15 authorized by this chapter;
- 16 (6) enter upon any lots or lands for the purpose of surveying or
17 examining them to determine the location of a capital
18 improvement;
- 19 (7) design, order, contract for, and construct, reconstruct, and
20 renovate any capital improvements or improvements thereto;
- 21 (8) employ managers, superintendents, architects, engineers,
22 attorneys, auditors, clerks, construction managers, and other
23 employees necessary for construction of capital improvements or
24 improvements thereto;
- 25 (9) make and enter into all contracts and agreements necessary or
26 incidental to the performance of its duties and the execution of its
27 powers under this chapter; and
- 28 (10) take any other action necessary to implement its purposes as
29 set forth in section 10 of this chapter.

30 SECTION 90. IC 36-10-9.1-12 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) Bonds issued
32 under IC 36-10-9 or prior law may be refunded as provided in this
33 section.

34 (b) The ~~capital improvement board~~ **facilities management board**
35 may:

- 36 (1) lease all or a portion of a capital improvement or
37 improvements to the authority, which may be at a nominal lease
38 rental with a lease back to the ~~capital improvement board;~~
39 **facilities management board**, conditioned upon the authority
40 assuming bonds issued under IC 36-10-9 or prior law and issuing
41 its bonds to refund those bonds; and
- 42 (2) sell all or a portion of a capital improvement or improvements
43 to the authority for a price sufficient to provide for the refunding
44 of those bonds and lease back the capital improvement or
45 improvements from the authority.

46 SECTION 91. IC 36-10-9.1-13 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) Before a lease
 2 may be entered into, both the ~~capital improvement board~~ **facilities**
 3 **management board** and the executive of the county must find that the
 4 lease rental provided for is fair and reasonable.

5 (b) A lease of capital improvements from the authority to the ~~capital~~
 6 ~~improvement board~~ **facilities management board**:

7 (1) may not have a term exceeding forty (40) years;

8 (2) may not require payment of lease rental for a newly
 9 constructed capital improvement or for improvements to an
 10 existing capital improvement until the capital improvement or
 11 improvements thereto have been completed and are ready for
 12 occupancy;

13 (3) may contain provisions:

14 (A) allowing the ~~capital improvement board~~ **facilities**
 15 **management board** to continue to operate an existing capital
 16 improvement until completion of the improvements,
 17 reconstruction, or renovation; and

18 (B) requiring payment of lease rentals for an existing capital
 19 improvement being used, reconstructed, or renovated;

20 (4) may contain an option to renew the lease for the same or
 21 shorter term on the conditions provided in the lease;

22 (5) must contain an option for the ~~capital improvement board~~
 23 **facilities management board** to purchase the capital
 24 improvement upon the terms stated in the lease during the term of
 25 the lease for a price equal to the amount required to pay all
 26 indebtedness incurred on account of the capital improvement,
 27 including indebtedness incurred for the refunding of that
 28 indebtedness;

29 (6) may be entered into before acquisition or construction of a
 30 capital improvement;

31 (7) must be approved by the executive of the county;

32 (8) may provide that the ~~capital improvement board~~ **facilities**
 33 **management board** shall agree to:

34 (A) pay all taxes and assessments thereon;

35 (B) maintain insurance thereon for the benefit of the authority;
 36 and

37 (C) assume responsibility for utilities, repairs, alterations, and
 38 any costs of operation; and

39 (9) subject to IC 36-10-9-11, may provide that the lease rental
 40 payments by the ~~capital improvement board~~ **facilities**
 41 **management board** shall be made from any one (1) or more of
 42 the following sources:

43 (A) Proceeds of one (1) or more of the excise taxes as defined
 44 in IC 36-10-9.

45 (B) Net revenues of the capital improvement.

46 (C) Any other funds available to the ~~capital improvement~~



~~board.~~ **facilities management board.**

SECTION 92. IC 36-10-9.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. This chapter contains full and complete authority for leases between the authority and the ~~capital improvement board.~~ **facilities management board.** No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the board or the ~~capital improvement board~~ **facilities management board** or any other officer, department, agency, or instrumentality of the state or any political subdivision is required to enter into any lease, except as prescribed in this chapter.

SECTION 93. IC 36-10-9.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. If the lease provides for a capital improvement or improvements thereto to be constructed by the authority, the plans and specifications shall be submitted to and approved by the ~~capital improvement board~~ **facilities management board** and all agencies designated by law to pass on plans and specifications for public buildings.

SECTION 94. IC 36-10-9.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. The authority and the ~~capital improvement board~~ **facilities management board** may enter into common wall (party wall) agreements or other agreements concerning easements or licenses. These agreements shall be recorded with the recorder of the county.

SECTION 95. IC 36-10-9.1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) The ~~capital improvement board~~ **facilities management board** may lease for a nominal lease rental, or sell to the authority, one (1) or more capital improvements or portions thereof or land upon which a capital improvement is located or is to be constructed.

(b) Any lease of all or a portion of a capital improvement by the ~~capital improvement board~~ **facilities management board** to the authority must be for a term equal to the term of the lease of that capital improvement back to the ~~capital improvement board.~~ **facilities management board.**

(c) The ~~capital improvement board~~ **facilities management board** may sell property to the authority for such amount as it determines to be in the best interest of the ~~capital improvement board,~~ **facilities management board,** which amount may be paid from the proceeds of bonds of the authority.

SECTION 96. IC 36-10-9.1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. If the ~~capital improvement board~~ **facilities management board** exercises its option to purchase leased property, it may issue its bonds as authorized by statute.

SECTION 97. IC 36-10-9.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2009]:

Chapter 9.3. Facilities Management Board

Sec. 1. This chapter applies to a county having a consolidated city.

Sec. 2. (a) As used in this section:

(1) "capital improvement" has the meaning set forth in IC 36-10-1-4; and

(2) "government building" has the meaning set forth in IC 36-9-13-3.

(b) The general assembly finds the following:

(1) The city of Indianapolis and Marion County face unique and distinct challenges and opportunities associated with the financing, constructing, equipping, operation, and maintenance of capital improvements and government buildings in Indianapolis and Marion County.

(2) A unique approach is required to ensure that the city and the county can take advantage of economies of scale in order to have sufficient revenue sources to allow them to meet these challenges and opportunities.

(3) The consolidation of the powers, duties, and responsibilities of a county building authority and a capital improvement board of managers in a facilities management board is appropriate and necessary to carry out the public purposes of encouraging and fostering economic development in central Indiana and properly operating and maintaining the capital improvements and government buildings constructed and financed by these entities.

Sec. 3. As used in this chapter, "board of directors" refers to the board of directors of the facilities management board.

Sec. 4. As used in this chapter, "facilities management board" refers to the facilities management board established by this chapter.

Sec. 5. (a) There is established the facilities management board in the county, to be named the "facilities management board of Marion County".

(b) The facilities management board possesses all of the powers, duties, rights, assets, obligations, and liabilities of:

(1) a building authority under IC 36-9-13 for a county having a consolidated city; and

(2) a board under IC 36-10-9 as that chapter existed before July 1, 2009.

Sec. 6. (a) The board of directors is comprised of the following nine (9) directors:

(1) Three (3) directors appointed by the executive of the consolidated city.

(2) Two (2) directors appointed by the board of



commissioners of the county.

(3) One (1) director appointed by the legislative body of the consolidated city.

(4) The president of the association determined by the executive of the consolidated city to be the primary county convention and visitor association, who serves as an ex officio voting director.

(5) Two (2) directors appointed by the governor, one (1) of whom must be a resident of a contiguous county that has adopted an ordinance to impose a food and beverage tax under IC 6-9-35.

Not more than two (2) of the members appointed by the executive of the consolidated city may be affiliated with the same political party. Not more than one (1) member appointed by the board of commissioners may be affiliated with the same political party. Not more than one (1) member appointed by the governor may be affiliated with the same political party.

(b) The term of members is two (2) years or until a successor is appointed and qualified. A member may be reappointed after the member's term has expired.

(c) If a vacancy occurs on the board of directors, the appointing authority shall appoint a new member, who serves for the remainder of the vacated term.

(d) A director may be removed for cause by the appointing authority that appointed the director.

(e) Each director, before entering upon the duties of office, shall take and subscribe an oath of office in the usual form. The oath shall be endorsed upon the director's certificate of appointment, which shall be promptly filed with the records of the facilities management board.

(f) A director does not receive a salary or per diem, but is entitled to reimbursement for any expenses necessarily incurred in the performance of the director's duties.

Sec. 7. (a) Before January 15 of each year, the executive of the consolidated city shall name one (1) of the directors as president. As soon as practicable after January 15 of each year, the board of directors shall hold an organizational meeting. It shall elect one (1) of the directors vice president, another secretary, and another treasurer. The officers serve from the date of their election until their successors are elected and qualified.

(b) The board of directors may adopt the bylaws and rules that it considers necessary for the proper conduct of its duties and the safeguarding of the funds and property entrusted to its care. A majority of the directors constitutes a quorum, and the concurrence of a majority of the directors is necessary to authorize any action.



1 **Sec. 8. An individual is not prohibited from serving as a member**
 2 **of the board of directors if the individual:**

3 **(1) has a pecuniary interest in; or**

4 **(2) derives a profit from;**

5 **a contract or purchase connected with the facilities management**
 6 **board. However, the individual shall disclose the interest or profit**
 7 **in writing to the board of directors before final action with respect**
 8 **to the contract or purchase and provide a copy of the disclosure to**
 9 **the state board of accounts. The director shall also abstain from**
 10 **voting on any matter that affects the interest or profit.**

11 **Sec. 9. (a) As used in this section, "CIB" means the capital**
 12 **improvement board of managers of Marion County.**

13 **(b) On July 1, 2009, all powers, duties, contracts, leases,**
 14 **agreements, assets, obligations, and liabilities of the CIB are**
 15 **transferred to the facilities management board, as the successor**
 16 **entity.**

17 **(c) On July 1, 2009, all records and property of the CIB,**
 18 **including appropriations and other funds under the control or**
 19 **supervision of the CIB, are transferred to the facilities**
 20 **management board, as the successor entity.**

21 **(d) After June 30, 2009, any amounts owed to the CIB before**
 22 **July 1, 2009, are considered to be owed to the facilities**
 23 **management board, as the successor entity.**

24 **(e) After June 30, 2009, a reference to the CIB in a statute,**
 25 **ordinance, rule, or other document is considered a reference to the**
 26 **facilities management board, as the successor entity.**

27 **(f) After June 30, 2009, a reference to the Indianapolis-Marion**
 28 **County building authority in a statute, ordinance, rule, or other**
 29 **document is considered a reference to the facilities management**
 30 **board.**

31 **(g) All powers, duties, obligations and liabilities of the CIB with**
 32 **respect to bonds issued or contracts, leases, or agreements entered**
 33 **into by the CIB are transferred to the facilities management board,**
 34 **as the successor entity. The rights of the trustee under any trust**
 35 **agreement or indenture and the rights of the bondholders of the**
 36 **CIB remain unchanged, although the powers, duties, and liabilities**
 37 **of the CIB have been transferred to the facilities management**
 38 **board, as the successor entity.**

39 **(h) On July 1, 2009, all powers, duties, contracts, leases,**
 40 **agreements, assets, obligations, and liabilities of the**
 41 **Indianapolis-Marion County building authority are retained by the**
 42 **building authority.**

43 **(i) All powers, duties, assets, obligations, and liabilities of the**
 44 **Indianapolis-Marion County building authority with respect to**
 45 **bonds issued or contracts, leases, or agreements entered into by the**
 46 **building authority are retained by the building authority. The**



1 **rights of the trustee under any trust agreement or indenture and**
 2 **the rights of the bondholders of the building authority remain**
 3 **unchanged.**

4 **SECTION 98. THE FOLLOWING ARE REPEALED [EFFECTIVE**
 5 **JULY 1, 2009]: IC 36-10-9-4; IC 36-10-9-5.**

6 **SECTION 99. [EFFECTIVE JULY 1, 2009] (a) Notwithstanding**
 7 **IC 36-10-9.3-6, as added by this act, the initial terms of office of the**
 8 **members of the board of directors of the facilities management**
 9 **board are as follows:**

10 **(1) Two (2) of the members appointed by the executive of the**
 11 **consolidated city, for a term ending January 14, 2011.**

12 **(2) One (1) of the members appointed by executive of the**
 13 **consolidated city, for a term ending January 14, 2012.**

14 **(3) One (1) of the members appointed by the board of county**
 15 **commissioners, for a term ending January 14, 2011.**

16 **(4) One (1) of the members appointed by the board of county**
 17 **commissioners, for a term ending January 14, 2012.**

18 **(5) The member appointed by the county legislative body, for**
 19 **a term ending January 14, 2012.**

20 **(6) The term of the president of the association who serves as**
 21 **an ex officio voting member of the board ends January 14,**
 22 **2012.**

23 **(7) One (1) of the members appointed by the governor, for a**
 24 **term ending January 14, 2011.**

25 **(8) One (1) of the members appointed by the governor, for a**
 26 **term ending January 14, 2012.**

27 **(b) This SECTION expires July 1, 2012.**

28 **SECTION 100. [EFFECTIVE JULY 1, 2009] (a) The legislative**
 29 **services agency shall prepare legislation for introduction in the**
 30 **2010 regular session of the general assembly to organize and**
 31 **correct statutes affected by:**

32 **(1) the establishment of the facilities management board; and**
 33 **(2) the transfer of the powers, duties, assets, and liabilities of**
 34 **the Indianapolis-Marion County building authority and the**
 35 **Marion County capital improvement board of managers to**
 36 **the facilities management board of Marion County as**
 37 **provided by IC 36-10-9.3, as added by this act.**

38 **(b) This SECTION expires July 1, 2010.**

39 **SECTION 101. [EFFECTIVE JULY 1, 2009] (a) The term of**
 40 **office of each of the members of:**

41 **(1) the Indianapolis-Marion County building authority; and**
 42 **(2) the Marion County capital improvement board of**
 43 **managers;**

44 **serving on June 30, 2009, terminates on July 1, 2009.**

45 **(b) This SECTION expires July 1, 2010.**

46 **SECTION 102. An emergency is declared for this act.**

